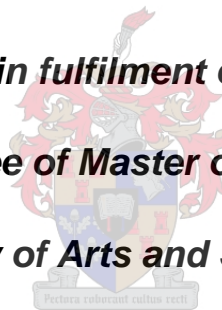


THE VIEWS OF SOCIAL SERVICE PROVIDERS ON THE USE OF PARENTING PLANS FOR ADOLESCENTS OF DIVORCED PARENTS

BY

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for the degree of Master of Social Work
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at

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DECLARATION

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the sole author thereof (save to the extent explicitly otherwise stated), that the reproduction and publication thereof by Stellenbosch University will not infringe any third party rights and that I have not previously in its entirety or in part submitted it at any university for obtaining any qualification.

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ABSTRACT

Like in other countries, divorce has also become a common trend in South Africa and many children are exposed to the distress related to it. When parents separate or divorce, decisions have to be made that will have a huge impact on their child (ren). Finding ways to rear children both during and post-divorce is a daunting task for professionals. As part of a broader discussion designed to address the rearing of children in the separation and /or divorce process, the purpose of this study is to focus on a relatively new concept of the Children's Act 38 of 2005, namely; parenting plans.

Parenting plan is a new concept for social work service providers in South Africa working in the area of divorce. Emphasis has been placed in terms of section 33 of the Children's Act 38 of 2005 to act in the best interest of the child (ren) and to assist the family with its functioning post-divorce.

The aim of this study is to gain insight from social work service providers who facilitate parenting plans for divorcing families with adolescents.

A qualitative research approach was used in the study. The study further assumed an exploratory and descriptive research design due to the limited information available regarding the views of social workers on the use of parenting plans for adolescents of divorce. A purposive sampling method was used to select 20 participants. Data was gathered by means of a semi structured interview schedule which was administered during individual interviews. This method allowed for a holistic view to be gained of participants' opinions about and insights into the topic.

The most vital recommendations resulting from the study indicate that social work service providers should become more equipped to facilitate parenting plans as this will help both the child and divorcing parents post-divorce. The use of parenting plan will ensure efficient implementation of the Children's Act 38 of 2005. Lastly it is suggested that more research be done about parenting plans nationally and internationally to increase knowledge regarding effective implementation of parenting plans as an intervention strategy for a divorcing families with adolescents.

OPSOMMING

Soos in ander lande het egskeiding in Suid-Afrika 'n algemene tendens geword en baie kinders word blootgestel aan die bekommernisse wat daarmee verband hou. Wanneer ouers verwyder raak of skei, moet besluite geneem word wat 'n groot impak op hulle kind(ers) sal hê. Om maniere te vind waarop kinders groot gemaak kan word, beide gedurende en na egskeiding, is 'n oorweldigende taak vir professionele persone.

Ouerplanne is 'n nuwe konsep vir maatskaplike diensverskaffers in Suid-Afrika wat dienste lewer in die veld van egskeiding. Die opstel van ouerplanne is 'n vereiste in terme van die Kinderwet 38 van 2005 om te verseker dat in die beste belang van die kind(ers) opgetree word en om die gesin by te staan met hulle funksionering na 'n egskeiding.

Die doel van die studie is om insig te ontwikkel in die sienings van maatskaplike diensverskaffers oor die gebruik van ouerplanne vir adolessente van geskeide ouers.

'n Kwalitatiewe navorsingsbenadering is gebruik in die studie. Verder is 'n verkennende en beskrywende navorsingsontwerp gebruik as gevolg van die beperkte inligting wat beskikbaar is oor die sienings van maatskaplike diensverskaffers oor die gebruik van ouerplanne vir adolessente van geskeide ouers. 'n Doelbewuste steekproef is gebruik om 20 deelnemers te selekteer. Data is ingesamel met behulp van 'n semi-gestruktureerde onderhoudskedule wat geadministreer is tydens individuele onderhoude. Hierdie metode het dit moontlik gemaak om 'n holistiese siening te verkry van die deelnemers se opinies oor en insig in die navorsingsonderwerp.

Die vernaamste aanbeveling voortspruitend uit die studie dui aan dat maatskaplike diensverskaffers beter toegerus moet word om ouerplanne te gebruik om beide die kind(ers) en ouers na egskeiding sal ondersteun. Die gebruik van ouerplanne sal die effektiewe implementering van die Kinderwet 38 van 2005 verseker. Laastens word voorgestel dat meer navorsing nasionaal gedoen sal word om kennis uit te brei oor die effektiewe implementering van ouerplanne as intervensie strategie vir gesinne met adolessente wat betrokke is by egskeiding.

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CHAPTER 1

INTRODUCTION

1.1 RATIONALE FOR THE STUDY

1.1.1 Introduction

Deciding how post-divorce family life should be organised is very important when children are involved (Petty, 2006:149). There has been a great deal of publicity about the negative impact of divorce on children. Wallenstein and Kelly (2000) report that children of divorced parents are at risk of developing academic, relationship, and substance abuse problems more in other than children in non-divorced homes. Other researchers (Kelly, 2000; Amato, 2001; Emery, 1999) argue that children of divorce may be at high risk, but the majority of children in families of divorce do not show behavioural, emotional, or academic problems following their parents' divorce. Emery (1999) eloquently points out that, while there is a statistical difference between these groups, in that children in divorced families are having problems than children in non-divorced families. This evidence of research suggests that the children exposed to conflict, both in marriage and after divorce, experience the most significant problems. As a result, if parents continue fighting after their divorce, children begin to exhibit more behavioural and emotional problems. Relating to behavioural and emotional problems, observations locally have also indicated that adolescents with divorced parents suffer mental stresses and anxiety manifested in the manner they socialise or isolate themselves.

Current research examining the effects of divorce on children concludes that a constructive divorce in a family with children requires minimising the psychological injury to children through continued relationships with both parents and an atmosphere of support and cooperation between the parents (Ahrons & Rogers, 1987). Furthermore, research on families of divorce suggests that a successful divorce is one in which the parents divorce each other but do not require the child to divorce one of the parents, either as a result of parental conflict or by one parent not being available to the child (Ahrons & Rogers, 1987). Thus, it is a well-established fact that a child experiencing the dissolution of the family structure will do better if the parents are able to get along and minimise trauma in an already traumatic situations.

A divorce brings uncertainty about one's future and it launches everyone involved into unfamiliar territory. According to Jewett (1994:2), adults may fear that a child is too young or too fragile to handle direct information about their parents' divorce. However, research

suggests that it is important for both parents to tell the children together about the divorce because it sends a clear message to the children that both parents are capable of working together for the benefit of their children. Jewett (1994:3) suggests that if the loss entails parental separation, it is best for both parents to tell the news together, so that the child has a chance to understand that everyone is involved in what is happening and that, regardless of the change, they are still a family. She further elaborates that it is important for each parent to take special care to avoid influencing the child's reaction and to do whatever is necessary to reduce the likelihood that the child will feel caught in the middle of a parental conflict that requires choosing a side. Green (2011) points out that the manner in which couples/parents conduct their separation has a large impact on the family's ability to reorganise successfully.

Divorced parents fight over custody of children because of many reasons: who is the best parent between them?, misunderstanding over the use of money; fighting over the object to be purchased and the amount of money to be spent, etcetera. When parents embark on divorce, they mostly go through a painful period and would forget that their children's needs supersede theirs. Bezuidenhout (2010:8) confirms that disorganisation of the family often leads to uncertainty as to the future of the family as a social institution. As a result, attempts are often made to create alternative living arrangements.

According to Burr (cited in Kehily, 2004:145) the idea that children should be rights-bearing citizens of their countries is grounded in and supported by the UNRC and South Africa is also a signatory. As a result, the South African Children's Act No. 38 of 2008, as amended in 2007, promotes the protection, development and well-being of children. It also attempts to meet some of the constitutional and international obligations of the government in relation to promoting children's rights. Burr (cited in Kehily, 2004:145) indicates that the idea that children should be rights-bearing citizens of their countries is grounded in and supported by the UNRC and South Africa is also a signatory. By and large, the paramount notion is that the Act provides for the care and protection of the children and the rights, roles and responsibilities of parents (Nicholas, Rautenbach & Maisty, 2010:66). According to the Children's Act 2005, emphasises that both parents are legally obliged to support their legitimate children, children born out of wedlock and adoptive children. Hence this duty begins at birth or adoption and is independent of the existence of parental authority since the duty to support exists until the child no longer requires support. However, the duty of support can still exist when parental authority has been terminated. This means that parents must still support a child who is no longer a minor, but who is incapable of supporting himself or herself (Eckard & Huchings, 2006:124). In terms of parental responsibilities and rights, like the Divorce Act 70 of 1979, the mediation in Certain Divorce Matters Act 24 of 1987 also protects the children's interests in

the event of divorce. The general principle applicable in both these Acts is that the courts must consider only **the best interests of children**. Monk (cited in Kehily, 2004:162) confirms that in dispute arising from divorce or separation, the explicit function of the law is to protect children, and courts do this by determining what is in children's 'best interest'.

The Children's Act 38 of 2005 originated as a subcategory of family law, and the coupling of the 'child' with the 'family' continues to this day in student courses, academic journals and legal practices. "This legal categorisation is not incidental or a mere matter of convenience; rather it reflects and upholds the centrality of the institution of the family as the key determinant of children's identity, role and place within society" (Kehily, 2004).

The Children's Act 38 of 2005 makes provision of a definition "shared contact/shared parenting": is a collaborative arrangement in which both parents have the right and responsibility to be actively involved in raising their children after divorce or separation. A regime of shared parenting is based on the idea that parental responsibilities should be genuinely shared by both parents, and it is a method of parenting that allows both parents the chance to actively parent their child (Children's Act of 2005). Whilst a positive co-parenting relationship begins with a parenting plan, in terms of the Children's Act 2005, the parenting plan is agreed to by both parties following a mediation process with a qualified mediator (a family advocate, psychologist, et cetera) who facilitates the process and draws up the parenting plan. A parenting plan is essentially a roadmap directing how children will be raised after separation or divorce by both parents. "Co-parenting" sometimes called "shared parenting" is when both parents work together as a team to raise their children, even after the marriage or romantic relationship is over. As a co-parenting solution, it is a written agreement drafted by both parties with a help of a third neutral party, usually a social worker, psychologist or family lawyer, acting as a third party. This definition is reflected in Chapter 3 section 30) of the South African Children's Act 38 of 2005 (Children's Act 38 of 2005) which is of significant part of the chapter pertaining to this study.

This study will focus on the use of parenting plans for adolescents of divorced parents which leads to a rights-base perspective. Nicholas, Rautenbasch and Maistry (2010:90) confirm that there is some consensus that an ecological perspective, with its focus on the interrelationship between interpersonal and wider environmental factors most likely to determine the degree of risk resilience in the developing child, best fits contemporary theory on family functioning, including parenting. Research shows that divorce is a life-transition phase. Germain and Gitterman (1980:77-79) describe that life-transition can act as a source of stress for any person. All life transitions are accompanied by biological changes that cause increasing demands and stress for the individual. Therefore, in order to adapt to new life-stages, the

individual and his/her environment needs to reach Goodness-of-fit. To attain this Goodness-of-fit, the social workers' function is to assist both individuals and their environment by employing various social work roles, such as enabler, teacher and facilitator (Germain & Gitterman, 1980:77-98, 130-131).

Despite a comprehensive legislative framework relating to the new Children's Act (38 of 2005) which has been in power for 8 years and which potentially offers a great solution for children to have the continued love and support of both parents after divorce, the governing legislature has not been brought up to speed. Observations locally indicate that there is a great confusion between the use of child maintenance and the use co-parenting and parents use them interchangeably most of the time.

Whilst, there is very little research conducted on co-parenting in South Africa; social workers have a vital role and huge responsibility to facilitate rights and responsibilities of parents which entails parental plan that includes co-parenting. Subsequently, given the lack of co-parenting/shared-parenting little is known about whether changes to legislation of parenting plan have proved effective practice or acceptance within social work practice in South Africa. Kehily (2004:165) indicates that parenting plans are a relatively new concept in South Africa, but are already popular in countries such as United States and Australia, and in certain European countries. It's been eleven years since parenting plans have been in place in South Africa. Subsequently, the theory base in co-parenting remains underdeveloped and inadequately tested.

Due to lack of exposure to parental plan, the researcher discovers and believes that as parenting plans are obligatory for divorced parents, there is a huge need for South African to research on this subject.

1.2 PROBLEM STATEMENT

Literature confirms that children typically experience a great deal of emotional stress following a parental separation or divorce (Green, 2011). Furthermore, research emphasises that children need both biological parents at their side to be guardians and counsellors in their lives, to be examples of what they need to do to become outstanding citizens in our community (Margulies, 2009). Statistics South Africa (2011) indicates that 11 475 (54.7%) of the 20 980 divorces had children younger than 18 years. South Africa's Children's Act of 2005 outlines parental responsibilities with parenting plan which has a greater enforceability in law when it has been made a court order than when it has been registered only with the Family Advocate's Office (Children's Act of 2005; ss 33-35)). In view of divorced parents co-parenting (Margulies,

2009) states that co-parenting after divorce has become an increasingly attractive and sought after arrangement. In contrast to the conventional sole custody in which the mother typically has all the responsibility for the children, co-parenting emphasizes an equal role for fathers (Margulies, 2009).

For divorcing parents, divorce can be extremely difficult, but when a divorce includes arranging custody for children, matters can seem even more stressful. Therefore every court and family attorney will advise, wherever possible, that parents share the responsibilities and custody of their children. This is known as co-parenting and has proven to be an extremely effective way of ensuring that children do not suffer as a result of a marriage breakdown (Margulies, 2009). Furthermore research indicates that children exposed to conflict both in marriage and after divorce, experience the most significant problems. If parents continue fighting after divorce, children begin to exhibit more behavioural and emotional problem (Green, 2009). In view of parenting, Green (2009) points out that even though children typically experience a great deal of emotional stress following a parental separation still is advisable that parents can assist their children by cooperating or co-parenting, with their ex-spouses. Though parenting plans is a relatively new concept in South Africa, but are already popular in countries such as United States and Australia, and in certain European countries (Kehily, 2004:165).

1.3 AIM AND OBJECTIVES

The aim of the study is to gain insight from social work service providers who facilitate parenting plans for divorcing families with adolescents.

To achieve this aim, the following objectives have been formulated:

- To discuss the psycho-social need experienced by adolescents of divorced parents from a humanistic development perspective.
- To explain the use of parenting plans for adolescents of divorced parents according to relevant policies and legislation.
- To investigate the views of social service providers on the use of parenting plans for adolescents of divorced parents.
- To draw conclusions, provide guidelines and make recommendations regarding the use of parenting plans for adolescents of divorced parents.

1.4 RESEARCH METHODOLOGY

1.4.1 Literature review

According to De Vos et al. (2011:109) several reasons for the importance of completing a comprehensive literature study include; firstly it serves a theoretical framework for the study; secondly, it provides an indication of how the study fits already into already existing literature; thirdly, the significance of the study is therefore further substantiated by the literature study as it can be reviewed against the backdrop of previous research and finally, the review of literature is aimed at developing a more comprehensive understanding of the nature of the problem that is being investigated.

For this study, a literature review was completed prior to the empirical study. This enabled the researcher to give a comprehensive review of the research topic. Hence it served as a justification for the reason why the study is required and relevant.

1.4.2 Research approach

The study employed a qualitative approach in order to achieve the aim of the study (De Vos, Strydom, Fouché and Delpont, 2011:434).

A qualitative approach is chosen because this study involved human beings. The human beings to be studied are the social service providers who are involved in divorce court proceedings. A qualitative approach differs from quantitative approach in a number of ways including approaches to data, reliance on non-positivism perspective to science, greater use of logic in practice, and a more cyclical research path (Punch, 2006:132). Qualitative research allows researchers to get at the inner experiences of participants, to determine how meanings are formed through and in culture, and to discover rather than test variable (Corbin & Strauss, 2008:12).

Henning (cited in Punch, 2004:3) cites that qualitative studies usually aim for depth rather than quantify for understanding, if one looks into social reality, using prepared questionnaire with specific items to which people must respond and by choosing a predetermined set of scaled responses then the study will be quantitative. Mouton (2006:88) states that qualitative data takes into account the researcher's concerns and includes matters such as accessibility of other cultures and the relationship between sociological descriptions. In qualitative research, the researcher explores experiences, meanings, perceptions and feelings of participants while in quantitative research, the topic is about explaining prevalence, incidence, extent of nature of issues, opinions and multitude, discovering regularities (Kumar 2005:18).

1.4.3 Research design

A research design is defined as a set of guidelines and instructions to be followed in addressing the research problem (Mouton, 2006:107). The author further states that the main function of the research is to enable the researcher to anticipate what the appropriate decisions should be so as to maximise the validity of eventual results.

According to Kumar (2005:20) the main function of research design is to explain how the researcher will find the answers to the questions. Kumar further indicated that when selecting a research design it is important to ensure that it is valid, workable and manageable, this is by selecting a research design that is most suited for the study. According to Dudley (2010:88), a qualitative design is appropriate when we tend to examine the properties, values, need or characteristics that distinguish individuals, groups, communities, organisations, events, settings or messages.

1.4.3.1 Exploratory and descriptive designs

Exploratory and descriptive designs were used in this study. As indicated by De Vos et al. (2011:95) exploratory research is conducted in cases where the researcher hopes to develop insight into a situation, phenomenon, community or individual. Hence, the need for such research could, for example, arise out of a lack of information on a certain topic or area of interest (Bless et al., 2009:43; De Vos et al., 2011:95). Alternatively, such research may be conducted in order for the researcher to get acquainted with a situation so that he or she can formulate a problem or develop a hypothesis (De Vos et al., 2011:95; Bless et al., 2009:43). Furthermore, De Vos et al. (2011:95) indicate that in relation to exploratory study, the researcher is asking 'what' questions.

The intention of this study was to investigate the views of social service providers on the use of parenting plans for adolescents of divorced parents. This study followed an exploratory research design, because the researcher wanted to learn more about the experiences, perceptions, feelings of the social service providers on the use of parenting plans for adolescents with divorced parents. An explorative mode of inquiry was used to explore a new topic or learn more about issues about which little is unknown (Neuman in Alpaslan 2010:17). Therefore this design corresponds well with the research approach chosen.

Regarding descriptive research, Bless et al. (2009:43) state that when the researcher is purely interested in describing a particular phenomenon, descriptive research is used. Contrary, De Vos et al. (2011:96) indicate that exploratory and descriptive research often blends in practice. Furthermore, De Vos et al. (2011:96) indicate that descriptive research presents a picture of

the specific details of a situation, social setting or relationship and focuses on “how” and “why” questions. The use of this design in collaboration with the exploratory research allows for the development of new knowledge with regard to the topic of this study; as well as a detailed description of co-parenting. Therefore, the descriptive design is employed to provide a detailed description of what was explored (Neuman in Alpaslan, 2010:17).

1.4.4 Population and sampling

1.4.4.1 Population

The population of this study comprised all social service providers rendering services to divorcing parents and children in the Vhembe district.

Marlow (1998:134) explains population as “the sum of all possible cases that the researcher is ultimately interested in studying.” Seaberg (in De Vos, 2005:78) defines population as total set from which individuals or units of study are chosen. Seaberg further indicated that population is the totality of persons, events, organisation units, case records or other sampling units with which our research problem is concerned.

Due to time and money constraints the whole population could not be included in the research only a sample will be selected.

1.4.4.2 Sampling

A sample is a subset of the population in which the researcher is interested (De Vos et al., 2011:223). For the purpose of this study, purposive sampling was used; which is a method of non-probability sampling. “In non-probability sampling the odds of selecting a particular individual are not known because the researcher does not know the population size of the members of the population” (De Vos et al., 2011:231).

Purposive sampling is, according to De Vos et al. (2011:232), based entirely on the judgement of the researcher. The researcher selects a sample from the population that is composed of elements that contain the most characteristics or typical attributes that will best serve the purpose of the study. Purposive sampling is used in qualitative research, and it is therefore correlated with the research approach selected (De Vos et al., 2011:392).

Purposive sampling is a deliberate process of selecting respondents based on their ability to provide the needed information (Neuman in Alpaslan, 2010:18). This form of sampling is selected as it allows for participants to be selected on the basis of characteristics selected by

the researcher. It will therefore ensure that participants are able to provide the needed information for the success of the completion of the study.

Since purposive sampling can make a researcher be biased, De Vos et al. (2011:392) point out that the researcher should clearly identify and formulate pre-selected criteria for the selection of respondents.

The criteria for inclusion: Participants for this study were 20 social work service providers:

- Qualified social service providers who work in the field of social welfare (whether NGO'S, NPOs or other government departments).
- Must be knowledgeable about/or work in the field of family law and/or divorce related matters.
- Involved in family disputes and mediation
- Residing in Vhembe district where the research is conducted.
- Must be able to speak English or Tshivenda. The researcher will be able to translate Tshivenda into English

The researcher used the snowball technique. In writing about snowball sampling, Hennik, Hutter and Baily (2001:100) write: "Snowball recruitment (also called "chain sampling") is a method of recruitment particularly suitable for identifying study participants with very specific characteristics, rare experiences or 'hidden' population group who may be difficult to identify with other recruitment methods. It involved asking a study participant or a key informant whether they know anyone in the community who meets the study criteria, and asking them to refer this person to the researcher ..."

1.4.5 Method for data collection

- **Preparation for data collection**

When preparing for data collection, the researcher visited the participants personally at their workplace. The place is Vhembe district. This is the place where there are many social workers involved with family law and the Children's Act 2005 which need to be implemented in relation to children's rights and parental responsibilities.

During this process the researcher introduced herself as student social worker, doing her Master's studies in Social Work at Stellenbosch University. As part of the study, the researcher explained to the participants the purpose and procedure of the research study. Hence permission to tape-record was obtained from willing participants. Participants were informed

about the confidential nature of the study in relation to tape recording and transcript of the interview. The researcher then explained to the participants that they will be required to sign the consent form as an indication that they have decided voluntarily to participate in the study. If participants wished to terminate the interview, they were allowed to do so since they are not under any obligation and it was made clear to them that they will not be charged or persecuted.

- **Data collection method**

The data collection was done during interviews with participants. Kumar (2005:123) defines an interview as any person to person interaction between two or more individuals with a specific purpose in mind. The kind of interview opted for semi-structured interviews as it allows additional questions, probes and follow ups. According to Dudley (2010:153) a semi-structured interview schedule offers a more flexible format, because most of the questions are already formulated, but they can be asked in different order. Dudley further indicated that semi-structured interview questions are open-ended. Whereas Bless et al. (2009:119) states that “semi-structured interviews are very helpful in exploratory research where the research question cannot be narrowly defined”.

In open-ended questions the possible responses are not given (Kumar, 2005:130). Kumar further states that the open ended questions provide in depth information if used in an interview, can also provide a wealth of information provided by respondents feeling comfortable about expressing their opinion, and allow respondents to express themselves freely. Semi-structured interviews are therefore an effective instrument to use in order to better understand the various ideas about the topic studied and were chosen to collect data for this study (Annexure A).

According to Steinberg (2007:75) the interviewer must also have good conversational skills and good social skills to deal with a wide variety of respondents. She further explained that listening is often explained by distinguishing it from hearing because listening is an active process and before it occurs the signal and sounds sent to the brain are processed and used, that is when we attend to what is being said, select what is relevant and then understand and interpret it for ourselves.

1.4.6 Method of data analysis

Data analysis is a process of examining and interpreting data in order to elicit, meaning, gain understanding and develop empirical knowledge (Corbin & Strauss, 2008:1).

1.4.6.1 Qualitative data analysis and interpretation

According to Babbie (2008:391) qualitative data analysis is methods for examining social research data without converting them to a numerical format. He further indicated that this approach remains useful in data analysis and is even enjoying a resurgence of interest among social scientist. De Vos et al. (2011:397) indicate that as with quantitative studies, the purpose of conducting a qualitative study is to produce findings. Whereas Patton (2002) cited in De Vos et al. (2011:397) note that the purpose of qualitative analysis is to transform data into findings. Hence, such an analysis would involve reducing large volume of raw information, sifting significance from trivia, identifying patterns and subsequently constructing a framework that would allow for communication of key findings (De Vos et al., 2011:397).

The researcher used the method of data analysis as proposed by De Vos et al. (2011:402).

1.4.6.1.1 Preparing and organising the data

- Planning for recording of data
- Data collection and preliminary analysis
- Managing of data
- Reading and writing of memos

1.4.6.1.2 Reducing the data

- Generate categories and code the data
- Test the emergent understanding and search for alternative explanations
- Interpret and develop typologies

1.4.6.1.3 Visualising, representing, and displaying the data

- Presenting of data in a scientific manner

Collaborating the above, the researcher used personal interviews which were recorded using a voice recorder (De Vos et al., 2011:404), unless the participants indicate that they are uncomfortable with this. In such cases, the researcher took notes. In addition, the researcher made use of field notes to record observations and nuisance that will not be picked up by the voice recorder.

The researcher recorded the conversations which were transcribed after the interviews. Once all the transcripts have been completed, time was dedicated to reading through all transcriptions, in their entirety, in an attempt to get immersed in the details and to make sense of the interviews (De Vos et al., 2011:409). As the researcher was reading these transcripts, notes were made as the initial step in the process of exploring the data (De Vos et al., 2011:409).

1.4.7 Method of data verification

Authors (De Vos et al., 2011: 419) note that all research must answer to norms that stand as criteria against which the trustworthiness of the project can be evaluated. These norms are credibility, transferability, dependability, and confirmability. According to De Vos et al. (2011:419) these norms establishes the “truth value” of the study, i.e. its applicability, consistency and neutrally.

- **Credibility/ Authenticity**

The goal of credibility is to demonstrate that the inquiry was conducted in such a manner as to ensure that the subject was accurately identified and described (De Vos et al., 2011:419). The researcher made use of varying interviewing techniques during the interview. For example, probing, verbal and non-verbal expressions, restating and summarising in order to enhance the credibility of the study. In view of credibility, the researcher gained knowledge from the supervisors' input regarding advice about qualitative research.

- **Transferability**

A qualitative study transferability or generalisability is the degree to which the findings can be applied to other contexts and settings or to other groups (De Vos et al., 2011:420). In order to provide transferability, the researcher provided a dense description of the research methodology employed in the study.

- **Dependability**

This is an alternative to reliability in quantitative research, in which the researcher attempts to justify the changing conditions in the occurrence chosen for study, as well as changes in the design created by an increasing refined understanding of the setting. Positivist ideas of reliability assume an unchanging universe where investigation could, quite logically replicated. This assumption of an unchanging social world is in direct contrast to the

qualitative/interpretive assumption that the social world is always being constructed, and the concept of replication itself problematic (De Vos et al., 2011:420).

- **Confirmability**

This captures the traditional concept of objectivity (De Vos et al., 2011:421) where these authors stress the need to ask whether the findings of the study could be confirmed by another study. By doing so, they remove evaluation from some inherent characteristic of the researcher and place it squarely on the data. Thus the qualitative criterion is: Do the data help confirm the general findings and lead to the implications? This is the appropriate qualitative criterion.

1.5 ETHICAL CONSIDERATIONS

1.5.1 Ethical clearance

De Vos et al. (2011:126) indicate that institutional Ethics committees, or institutional review boards, at universities; research institutions and major welfare organisations are responsible for reviewing research proposals according to several strict guidelines and procedures. This will take place, and ethical clearance will be granted or denied, prior to the research being carried out (De Vos et al., 2011:127). In view of ethical clearance, Darlington and Scott in Bell (2010:47) concur that Ethics committees have a role in the entire research involving human subjects and are likely to be extra vigilant in their consideration of the proposals for research concerning any potentially vulnerable groups of people. Furthermore, ethics committees have a duty to consider all possible sources of harm and satisfy themselves that the researcher has thought through the relevant issues prior to granting permission to proceed. Therefore, ethics committees played an important part in ensuring that no badly designed or harmful research is carried out.

Regarding this study, ethical clearance was obtained from the Departmental Ethics Screening committee of the Department of Social Work at the University of Stellenbosch. Thereafter, the researcher conducted this research guided and supervised by the Department of Social Work at the University of Stellenbosch after being granted permission.

1.5.2 Ethical issues

According to Collins dictionary (in Kumar, 2005:210), ethics means accordance with principles of conduct that are considered correct, especially those of a given profession or group. The essential purpose of research ethics is to protect the welfare of research participant and

involves more than a focus on the welfare of participants and extends areas such as scientific misconduct and plagiarism (Terre Blanche et al., 2006:61). Therefore, as a registered Social Worker, the researcher will be bound by the ethical code of social workers.

According to Alpaslan (2010:29) in research (especially social work research) that primarily uses human beings as research participants; the following ethical issues must be considered and attended to in every research endeavour:

- Informed consent
- Voluntary participation
- Anonymity/ confidentiality
- Management of information
- Avoidance of harm

1.5.2.1 Informed consent

De Vos et al. (2011:116) state that 'obtaining informed consent implies that all possible or adequate information on the goal of the investigation; the expected duration of the participant's involvement; the procedures which will be followed during the investigation; the possible advantages, disadvantages and dangers to which respondents may be exposed; as well as the credibility of the researcher'.

The researcher made sure that the letter of consent was given to participants to sign only after participants were willing to participate in the study. The letter of consent was explained to ensure that participation was voluntary.

De Vos et al. (2011:117) notes that researchers need to make effort to ensure that accurate and complete information is provided in the written informed consent form. Subsequently, this ensured that participants could make an educated and well-reasoned decision with regard to their possible participation.

1.5.2.2 Voluntary participation

Denscombe (2007:145) states that people should never be forced or coerced into helping with the research, in other words their participation should always be voluntary and they must have sufficient information about the research to arrive at a reasoned judgement about whether or not they want to participate.

De Vos et al. (2011:116) draw attention to the fact that participation in research should always be a voluntary decision, that is; no one should be forced to take part in research.

For the purpose of this research, participants were physically visited in their workplace or were asked telephonically to take part in the study. Hence participants were informed about the nature of the study and the topic of the study. Furthermore, participants were informed that they may withdraw their participation from the research at any given time. That is, they are not under any obligation.

1.5.2.3 Anonymity/confidentiality

According to De Vos et al. (2011:120) confidentiality implies that only the researcher should be aware of the identity of participants. Whereas according to Babbie (in SCK410-B Study Guide, 1:31) confidentiality implies that only the researcher and possibly a few other relevant people aware of the identity of participants, and that these other relevant people should make a commitment to keeping the identifying details of participants confidential. The researcher ensured that the real names or identities of the participant were not revealed to anyone as well as the tape records.

Therefore for the purpose of this study, the researcher and supervisor knew who the participants were though it was the researcher who conducted personal interviews in order to gather data.

1.5.2.4 Management of information

In management of information, Holloway and Wheeler (in SCK410-B Study Guide, 1:32) suggest the following which will be used by researcher in this study:

The researcher ensured that tapes, notes and transcripts of recordings were kept secure at all times.

To ensure anonymity, names of participants were not written on tapes, notes and transcripts and pseudonyms or numbers were allocated to participants to hide their identities.

If other people such as supervisors, promoters or typists have access to information, however limited this might be, not to be disclosed.

Tape/video recordings and transcripts of the recordings will be erased or destroyed on completion of research.

1.6 CLARIFICATION OF KEY CONCEPTS

Social Worker

In this study a social worker refers to any person registered and authorised in accordance with the Social Work Act, 1978 (Act 110 of 1978) to practise SOCIAL WORK in accordance with the Social Service Professions Act, 1978 (Act 110 of 1978). Social work is a professional field which bridges community psychology, sociology and clinical psychology. Hence, it is concerned broadly with the application of social science principles to social problems (Children's Act 2005, Dictionary of psychology, 2001:692).

Co-parenting

In this research, co-parenting is referred to a written agreement which determines the way children will be raised, drafted by both divorced parents with the help of social worker, family lawyer, or a psychologist (Children' Act 38 of 2005).

Children's Act 2005

Reference is made to the children's Act 38 of 2005 which came into effect in South Africa on April 1, 2010. The Act gives effects to certain rights of children contained in the Constitution. The focus of this Act; is to set out principles relating to the care and protection of children; to define parental responsibilities and rights; and to make further provision regarding children's court (Children's Act 38 of 2005; 2010:1).

Adolescents

In this study adolescence is regarded as a transitional stage between childhood and adulthood. The age variation is 13-19 years of age.

Divorce

According to the New Dictionary of Social Work (2005:19), divorce is the dissolution of a MARRIAGE by a judicial order.

In South Africa law, divorce or the dissolution of marriage refers to the termination of a marital union, the cancelling of the legal duties and responsibilities of marriage and the dissolving of the bonds of matrimony between married couples.

For the purpose of this study divorce will relate to parties to the marriage who will have to carry legal consequences for their children born of the marriage.

Psycho-social-emotional

Psychosocial refers to a person's psychological development in relation to his social environment (Louw & Louw, 2010:20). For the purpose of this study, the term psychosocial will refer to the psychological wellbeing of adolescents as it is influenced by their social environment.

1.7 TIME SCHEDULE/Framework

The study was conducted from February 2014 to November 2015. Hence the final research report is submitted in November 2015.

1.8 CHAPTER LAYOUT

The proposed research report will include five chapters:

Chapter 1: Introduction

Chapter 2: A description of psycho-emotional experiences by adolescents of divorced parents.

Chapter 3: An explanation of the use of parenting plans for adolescents of divorced parents according to relevant policies and legislation.

Chapter 4: The views of social service providers on the use of parenting plans for adolescents of divorced parents.

Chapter 5: Conclusions and recommendations.

CHAPTER 2

THE PSYCHO-SOCIAL NEEDS OF ADOLESCENTS OF DIVORCED PARENTS

2.1 INTRODUCTION

This chapter will meet the first objective of the study, which is to present an overview on the psycho-social needs of adolescents with divorced parents. In order to achieve this objective, a literature study was undertaken. This chapter will focus on the adolescent psychological well-being; complexities surrounding the adolescence life phase and developmental tasks. Perspectives on human development of authors such as Erikson's (1950, 1968, 1982), Newman and Newman (2009) and Piaget's (1952, 1972) will be presented. In addition, a needs perspective according to Maslow's (1968) hierarchy of needs as well as Attachment theory of Bowlby (1969) and Ainsworth (1989) will be discussed.

Within the second part of the discussion, focus will be on adolescent psychosocial development and crises with regards to physical, cognitive, emotional, social, and moral development and the base of psychological well-being. Lastly, a brief discussion on adolescents' experiences of parental divorce will be done, followed by the discussion on the adolescents-parent relationship post-divorce.

2.2 DESCRIPTION OF ADOLESCENCE

The adolescence phase as a significant human development stage between childhood and adulthood was introduced in 1904 by Hall (1844-1924) who is referred to as "the father of psychology of adolescents" (Louw, 2008:384). Adolescence is defined as a stormy phase describing it as a period of storm and stress as it is characterised by alienating emotions and attitudes such as energetic enthusiasm versus indifference and boredom, cheerfulness vs. depression, idealistic altruism vs. selfishness, vanity and boasting vs. humility and shyness, sensitivity vs. heartlessness and gentleness vs. cruelty (Louw, 2008:386). However, theorists like Bandura (in Louw, 2008) contradict the above definition of adolescence on the basis that not every adolescents experience storm and for those who experience conflict, hostility or confusion during adolescence, it is usually associated with some social circumstances within the family or the society.

Adolescence is a period of particular vulnerability (De Varis, 1995:242; Kalter, 1984:304; Hetherington & Anderson, 1987:247), as it is during this developmental phase that children experience dramatic changes in various areas of development, such as physical maturation (Simmons & Blyth, 1987), cognitive level of functioning (Piaget, 1952, 1972), socio emotional development and identity formation (Erikson, 1950, 1968, 1982) as well as moral development (Kohlberg 1968,1970, 1981, 1984; Reimer, 1993).

In this study, the definition of adolescence according to Erikson (in Louw, 2008:427) described this development phase as a time of strife in which individual ideally constructs an identity formed by a set of personal ideals and belief system while developing an orientation towards a future role deemed appropriate by society (Lerner & Steinberg, 2004).

The age at which adolescence begins varies from 11-13 years and ends somewhere between 17-21 years of age (Louw, 2008). Legally in South Africa, adolescence ends at 21 years of age when parental consent expires and the individual can be held liable for contractual obligation (Louw, 2008). Newman and Newman (2004:4) indicate that adolescence is commonly divided into three periods: (1) early (ages 11 to 14), (2) middle (ages 14 to 17), and (3) late (ages 17 to 20). According to Harold, Kaplan, Benjamin, Sadock, Jack and Grebb (1994:51), those ages are arbitrary; growth and development occur along a continuum that varies from person to person. In addition, one must distinguish between puberty, that is a physical process of change characterised by the development of secondary sex characteristics, and adolescence, which is largely a psychological process of change. Under ideal circumstances the processes are synchronous; when they do not occur simultaneously, as they often do not; the adolescent has to cope with the imbalance as an added stress (Harold et al., 1994:51). For the purpose of this study the selected period is early, middle and late adolescence.

In this regard, Wallenstein and Blakeslee (1990:171) claim that parenting is never more needed, nor more challenged than with adolescents. As youngsters deal with the impulses of increasing sexual maturity, they need to know that the world has stability, that there is right and wrong as well as give and take. Moreover, it is critically important for adolescents to have a home that is a safe haven when the world gets too competitive, too hurtful or too frightening.

The following section will discuss the theoretical perspectives on psycho-social needs and development of adolescents.

2.3 THEORETICAL PERSPECTIVES ON PSYCHO-SOCIAL NEEDS AND DEVELOPMENT OF ADOLESCENTS

According to Trad (1999:221) and Wait, Meyer and Loxton (2005:157), adolescents can be described as being in a state of crisis due to the impact of the many personal and social changes they go through. They have to adapt to changing roles, values and behaviours in order to adapt to their new phase in life. At the same time they are dealing with conflicting pressures from their parents and peers. Therefore, the developmental tasks of adolescence pose particular challenges for individuals with divorced parents. Parents must learn how to help their child manage some of the typical aspects of this transition as well as navigate issues specifically throughout their child's "storm and stress" period. This situation, in particular, likely requires a supportive co-parenting relationship for the parents.

Another way of trying to understand adolescents is by viewing them in the light of the psychosocial development perspective. Contemporary theorists Newman and Newman (2009) adapted the original work of Erikson (1963) on the psychosocial theory of human development by dividing the adolescent phase into different stages in order to include both early and late adolescence, and also by dividing adulthood into early, middle and later adulthood, effectively adding two stages to Erikson's original eight stages. However for the purpose of this research, early, middle and late adolescence will be considered. And adulthood is beyond the scope of this study.

2.3.1 Human Developmental theories

The charting of the life cycle (life course) is essential to a complete understanding of human behaviour and in predicting the difficulties that arise during human development (Harold et al. (1994:16). Hence, theories on human development focus on different components of adolescence. In order for one to understand adolescence as a developmental phase, this section will discuss the human developmental theories (Erikson 1950, 1963, 1982; Piaget 1952, 1972; Bowlby 1968; Ainsworth, 1989). In addition, a needs perspective by Maslow (1968) will be discussed.

2.3.1.1 Erik Erikson's life span theory

Erikson's psycho-social model (1968) of development attributes special attention to the life-stage of adolescence (Hjelle & Ziegler, 1981) and assumes that it is a period in which identity is negotiated. Erikson (1968) labelled the adolescent stage of life *identity versus identity confusion*.

According to Erikson's personality theory (1968), adolescents need to successfully negotiate the task of identity versus identity confusion (Louw, Van Ede & Louw, 1998). This requires adolescents to define who they are, what is important to them and what direction they want their lives to take. To accomplish this, they need to be given more control over their lives and freedom to make their own choices, than was afforded to them during childhood. By mastering these tasks, adolescents negotiate a more integrated sense of self, greater autonomy, self-control and free will (Geldard & Geldard, 1999).

According to Erikson (1968), during this time the adolescent is especially concerned with how he/she presents himself to others. This includes various identities such as those that concern gender and occupational skills. This is the realm of interpersonal associations. It includes dating relationships and peer group organisations, where the adolescent learns to express his/her identity (Erikson, 1968). Therefore, the adolescent is reliant on the outside opinions of others to confirm his developing self-perceptions through receiving feedback.

Santrock (2003:153) indicates that in this theory, Erikson encourages us to look at adolescents not just as hormone-driven beings, but as individuals finding out who they are and searching for their niche in the world. Erikson's theory (1968) states that people go through eight psychological stages of development. That is, basic trust versus mistrust (birth to 12-18 months), autonomy versus shame and doubt (12-18 months to 3 years), initiative versus guilt (3-6 years), industry versus inferiority (6 years to puberty), identity versus confusion (puberty to young adulthood) and adolescent must determine own sense of self. Virtue: fidelity and Intimacy versus isolation (young adulthood) - Person seeks to make commitments to others; if unsuccessful, may suffer from sense of isolation and self-absorption. Virtue: love, Generativity versus stagnation (middle adulthood) and Integrity versus despair (old age). However, in this section, the adolescence stage will be considered.

Adolescents face the challenge of understanding the self. Newman and Newman (2009) indicate that adolescents between the ages of 12 and 18 years go through a developmental crisis called group identity versus alienation. Slatter and Bremner (2011:69) concur with Erikson (1968) and Newman and Newman (2009) that a child goes from the stage of basic trust in early infancy to the final stage of maturity in adult life with a sense of integrity and self-worth.

Hjelle and Ziegler (1981) indicate that the failure to achieve a sense of identity which may result from adverse experiences in childhood may result in identity confusion. Furthermore, identity confusion could present in *personal disorganisation, aimlessness, and a profound sense of futility*, and may even lead to delinquent behaviour.

2.3.1.2 Piaget's theory

Piaget (1964) contends that development is a spontaneous process that is linked to embryogenesis that refers to the development of the body, nervous system as well as mental functions. Knowledge, according to Piaget (1964:20), is to know an object and act on it. This is the reason that the operational phase is central to Cognitive Development Theory. Development is natural and everybody experiences this. However, it occurs at a different pace for each individual. People gain knowledge and learn through the way they develop. Knowledge as defined by Piaget (1964:20) does not just focus on information gained, but include action. Therefore, thoughts determine an individual's actions.

Furthermore, Piaget's developmental theory expresses that each stage represents unique abilities and underlying mental structures, which is built upon previously acquired skills (Piaget, 1983). Slatter and Bremmer (2011:166) maintain that according to Piaget all development emerges from action, individuals construct and reconstruct their knowledge of the world as a result of interactions with the environment. Hence, the child's cognition is qualitatively different from one stage to the next (Slatter & Bremer, 2011:291-294). What follows is an overview of the stages:

1. Sensorimotor stage (birth to 2 years): In this stage all that the infant knows is derived from the information that comes through the senses and motor actions. The infant constructs an understanding of the world by coordinating sensory experience with physical actions.
2. Pre-operational stage (2 to 7 years): The child begins to represent the world with words and images. These words and images reflect increased symbolic thinking and go beyond the connection of sensory information and physical action.
3. Concrete Operational Stage (7 to 11 years): The child can now reason logically about concrete events and classify objects into different sets.
4. Formal Operational Stage (from 11 years): The adolescent reasons in more abstract, idealistic and logical ways.

By the time developmental growth has proceeded well into the concrete stage seen in children of middle childhood, many skills have been acquired and many mental processes are quite refined. Although children in this stage may seem as capable as many adults in hypothetical decision-making situations (Caufman & Stenberg, 2000; Schalam & Wood, 2000), their brains have not developed to the point of formal operational thinking, leaving them incapable of processing information and experiences in shades of grey as an adult can (Piaget, 1983).

According to Piaget (cited in Harold et al., 1994:53), at the beginning of adolescence, thinking becomes abstract, conceptual, and future oriented; he termed it the stage of formal operations. At that time, many adolescents show remarkable creativity which can be expressed in sports and in the adolescent's interest in the world of ideas - humanitarian issues, morals, ethics, and religion. When divorce occurs at this stage, their cognitive ability could leave the children more vulnerable to incorporating themselves into the behaviours of the parent(s) than even a younger counterpart (Thulien, 2007). For example, adolescents may start to blame themselves for their parents' divorce.

In addition to developmental theories, understanding adolescents' psychosocial well-being, an understanding of basic needs is needed. The following section will discuss Maslow's hierarchy of needs.

2.3.1.3 Maslow's hierarchy of needs

Maslow's hierarchy of basic needs (1954, 1971) indicates that human needs have different priorities. First comes survival, represented by the physiological needs shown at the base of the pyramid. As each succeeding layer of needs is addressed, the person is motivated to address the needs at the next higher level. According to Young, Van Niekerk and Mogotlane (2007:94), the basic human needs are the same for every individual; although each of us may have additional or special needs however, our fundamental needs remain the same, as they be tantamount to our requirement for living. The highest and most elusive of Maslow's needs is self-actualisation which is the motivation to develop one's full potential as a human being.

Individual's needs are satisfied sequentially starting from physiological, safety, love and belongingness, esteem and lastly self-actualisation. Slatter and Bremmer (2011:69) indicate that in order to progress upward to the top of the pyramid, one needs to satisfy each need along the way (see figure 2.1).

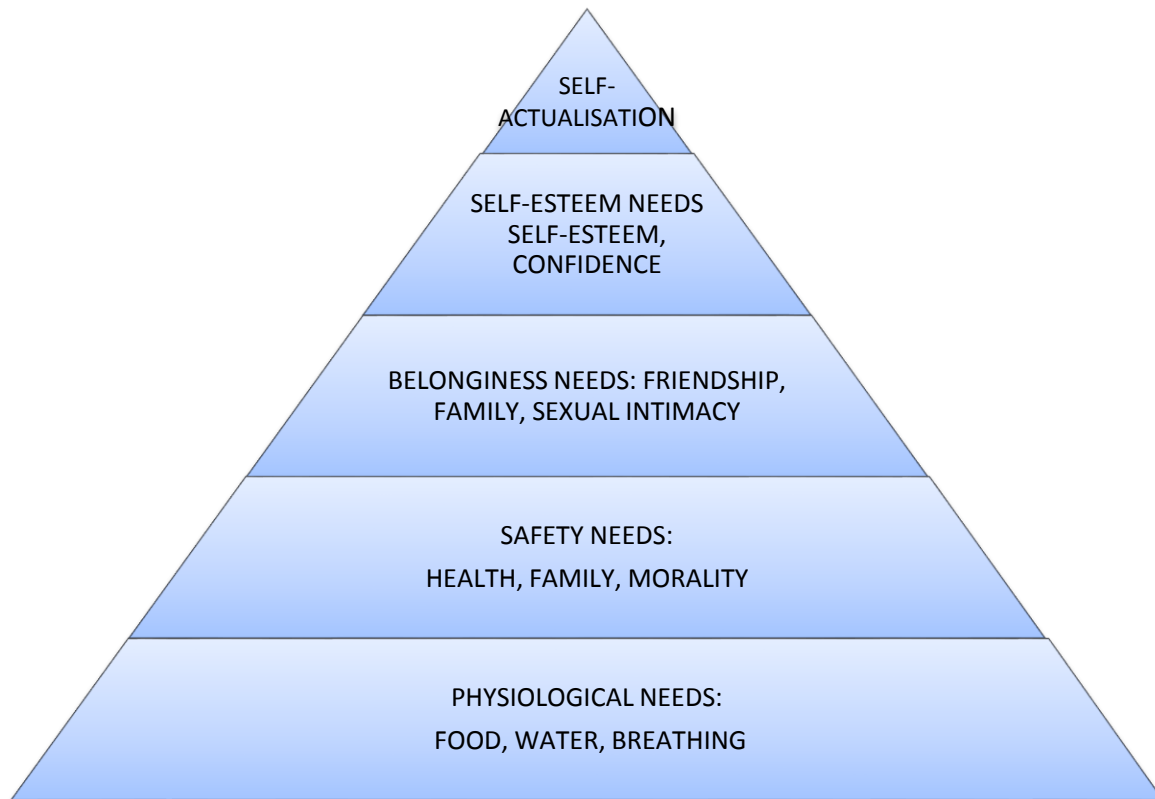


Figure 2.1: Maslow's Hierarchy of needs (1954, 1971)

At the base of the pyramid Maslow places everyday physiological needs required for survival, needs for food, drink and rest. On the next level, needs for stimulation and escape from boredom are found. The need to explore and satisfy curiosity would be included on this second level. Safety and security needs follow. Slatter and Bremmer (2011:70) regard safety needs level as a place where one feels safe and secure. As one continues up the pyramid, one develops a need for love and a sense of belonging. At this fourth level friendships become important. As one moves up to the upper levels of the hierarchy, one needs to feel respected by others. According to Slatter and Bremmer (2011:70), the final level is reached by very few people. It involves attaining one's potential (Slatter & Bremmer, 2011:70). Maslow labels the top step of the hierarchy self-actualisation.

In view of self-actualisation, Quinn (1990:201) outlines the common characteristics of self-actualisers as follows:

- Honesty as having ability to object and shows no selfish interest.
- Creativity as being spontaneous and natural and enjoy trying new approaches.

- Acceptance by showing total acceptance of themselves and are willing to accept others for what they are.
- Appreciation as the ability to become fully absorbed, enjoying even simple and basic experiences.
- Sense of humour as to be able to recognise cleverness and vision and to laugh very easily.
- Sensitivity as to be able to experience a deep feeling of sympathy for other people.

Maslow's hierarchy of needs seems grounded in human experiences (Papalia & Olds 2009:25). Hence, the various levels of needs serve as a motivation for one to become the best one can be in life, namely contented, mature, whole persons who for example have healthy relationships with others and themselves. With reference to Maslow's Needs Hierarchy, it can be stated that the parental role fulfils certain functions in the satisfying of needs, and that both lower and higher level needs are satisfied in the family system of the child. Collins and Russell (1991) indicate that one possible avenue by which parenting may help or hinder adolescent well-being development is via the quality of parent-adolescent relationships, or the security of attachment. Attachment is generally seen as a universal aspect of the human experience (Bowlby, 1979). The following section will discuss attachment theory to show how it relates to the developmental well-being of an adolescent.

2.3.1.4 Bowlby's/Ainsworth Attachment Theory

Attachment theory informs the understanding of adolescent development. Papalia and Olds (2009) define attachment as a reciprocal, enduring tie between infant and caregiver, each of whom contribute to the quality of the relationship. Attachment Theory refers to the psychological tendency to seek closeness to another person, to feel secure when that person is present, and to feel anxious when that person is not there (Child and Adolescent Development Overview, 2006).

The Attachment Theory draws extensively on the concept of internal models that represent the individual's view of himself and others as positive or negative. This theory was developed by Bowlby (1973) and extended by Ainsworth (1989) and Main, Kaplan and Cassidy (1985).

The concept of attachment was proposed by Bowlby (1969) more than three decades ago to describe the fundamental bond between parent and infant that is essential to survival and development (Moretti & Paled, 2004). Attachment is based on ethology, and Bowlby (1969:194) described attachment as a "lasting psychological connectedness between human

beings. Bowlby conceptualized attachment as a biological based repertoire of organised behaviours (e.g., infant's crying, smiling, clinging and proximity seeking) that foster infant-parent interactions and maximize survival. The attachment system, therefore, allows children to relate to their parents both as a 'secure base' from which to explore, and as a 'safe haven' for obtaining support and protection in times of perceived threat.

Ainsworth (1979:935) claims that the thoughts which individuals formulated are influenced by the people whom they feel attached to. Attachment theory argues that infants are selective when they choose attachment figures from the individuals known to them. However, not all social relationships are identified as attachment, argues Kleinhans (2013:23). Thus, children might become close to peers in circumstances where appropriate attachment figures such as parents, guardians or family members are absent (Ainsworth, 1979:935). This is usually the case when individuals come from a dysfunctional family and in this instance, divorced parents. The child or young person doesn't have close relationship with family members and, therefore, has a strong connection or association with peers. Many times they associate with peers who exert a negative influence on their behaviour. In terms of Attachment Theory, attachments may disrupt the individual's process of becoming an independent person (Ainsworth, 1979:935). Therefore, when the child progresses into adulthood, that child may struggle to make decisions on his or her own or would find it difficult to function independently without the secure attachment of his or her parent. Therefore, a balance is needed when parents develop attachments to their children as it could affect the child's development and interactions with other people negatively.

Morreti and Peled (2004) indicate that adolescence signifies transformations in almost every domain of functioning. During periods of rapid development, research shows that parental sensitivity and support are critical in 'scaffolding' children to the next level of functioning. However, in the adolescent phase of development, the parent-child relationship is thrown into flux as children strive toward autonomy and parents struggle to find new ways of supporting their children in the context of a different relationship. Therefore, it is not surprising that the nature of the adolescent-parent attachment bond is paramount to how both parties negotiate this transition (Moretti & Paled, 2004).

Attachment theory featured the following four prominent concepts in infant attachment (Moretti et al., 2004). *Proximity* seeking simply refers to an infant seeking closeness to his/her caregiver. *Separation protest* occurs when the caregiver becomes unavailable, and the infant will overtly displays feelings of upset (Hazan & Shaver, 1994). In the absence of threat, the attachment figure will serve as a secure foundation (*secure base*) from which the infant can explore his/her environment. When the signs of danger arise, the attachment figure serves as

a refuge (*safe haven*) to which the infant can turn to for support. Feeney, Noller, and Roberts (2000) argue that these four concepts are not only significant regarding infant attachment, but also extend to early childhood, adolescent and adult attachment relationships (see Figure 2.2).

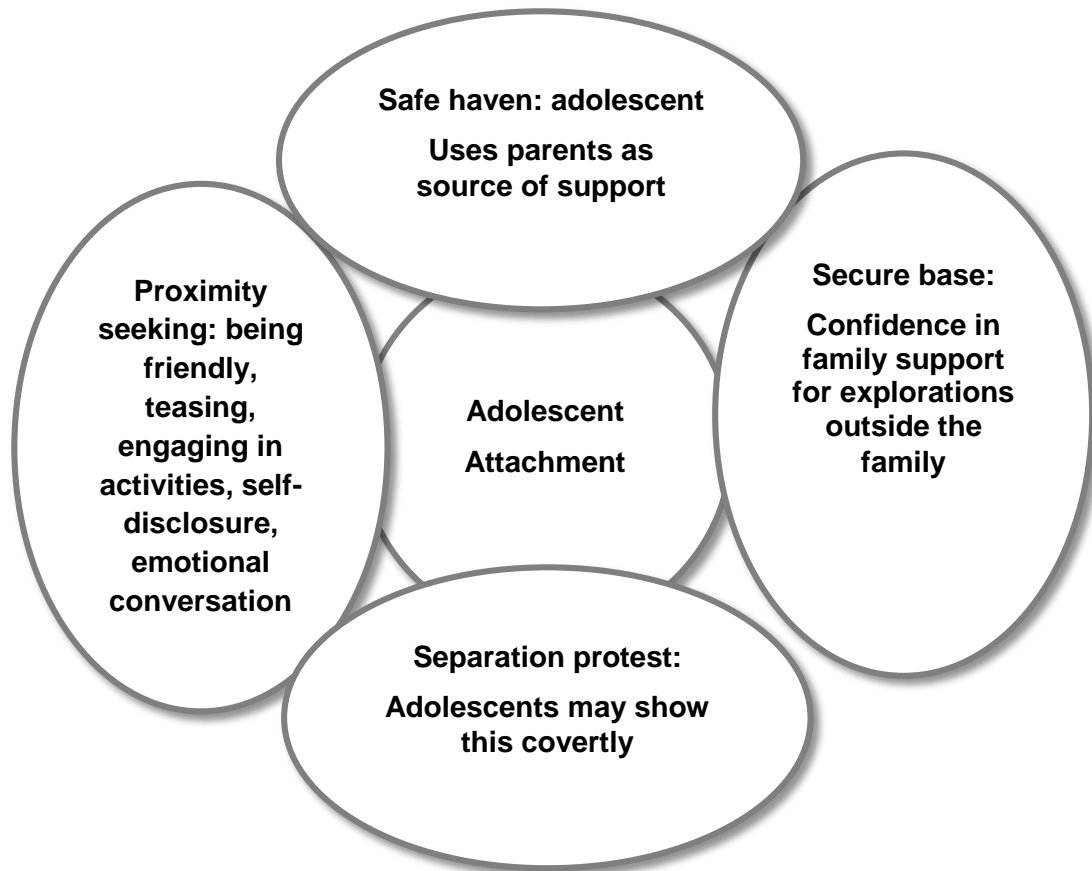


Figure 2.2: Defining features of adolescent attachment (Feeney, Noller & Roberts, 2000)

Parental unavailability and harsh rejection is associated with insecure anxious-avoidant attachment (Moretti & Paled, 2004). Furthermore, anxious-avoidant children are reluctant to approach their parents even when they are distressed, because they fear their overtures for comfort will be rejected or punished (Hazan & Shaver, 1994; Schneider & Younger, 1996). In addition, parental inconsistency is associated with anxious-ambivalent attachment. These children view themselves as unable to sustain the interest and care of others. However, they view others as able to provide support if their attention can be secured and sustained. Anxious-ambivalent children are vigilant about their whereabouts and responsiveness of their parents and display heightened overtures of need to provoke parental responsiveness. Their preoccupation with the availability of their parents inhibits appropriate exploration of their environment (Moretti & Paled, 2004).

According to Loubser (2007:12), adolescence is increasingly recognised as the second major 'window' of opportunity and risk in development, next only in significance to early childhood development. It is a period of biological, cognitive and social change of such magnitude and rapidity that it is no surprise to find that it is associated with the onset or exacerbation of a number of health-related problems including depression, eating disorder, substance abuse and dependence, risky sexual behaviour, antisocial and delinquent activity and school dropout (Moretti & Paled, 2004).

Adolescent-parent attachment has profound effects on cognitive, social and emotional functioning. Secure attachment is associated with less engagement in high risk behaviour, fewer mental health problems, and enhanced social skills and coping strategies (Moretti & Paled, 2004). According to Loubser (2007:14), secure individuals are characterised by a positive image of the self and positive image of others. Furthermore, in the secure style, the self is viewed as basically loveable and others are viewed as generally reliable and responsive.

In recent years, Moretti and Paled (2004) indicate that the role of parental influence in adolescent adjustment has been seriously questioned. Some researchers have argued that parents make little or no difference in how their children navigate the adolescent period, pointing instead to data showing that peer influence dominates this period. Contrary to this position, there is growing evidence that parents do make a difference, and that this difference operates through the nature of their attachment bond with their child (Moretti & Paled, 2004). Stewart (2001:121) shows that the importance of family attachment and connectedness is that it serves as a shielding factor in opposition to emotional suffering and the potential for suicide, the occurrence of interpersonal violent behaviour, the use of substance use, and somewhat premature sex activity. The section to follow will discuss the psycho-social development and crisis of the adolescence phase.

2.4 PSYCHO-SOCIAL DEVELOPMENTAL TASKS AND CRISIS DURING ADOLESCENCE

In order to understand the use of co-parenting for adolescents with divorced parents, one must understand the normal development and developmental tasks during adolescence. According to Newman and Newman (2009), the value of theory of psychosocial development lies therein that it is relatable, as it emphasises personal crises and conflicts, and that it gives clear explanations for which crisis may arise through the sequential life stages. Therefore, identifying certain developmental patterns will provide a better understanding of the use of co-parenting for adolescents of divorce as intervention guided by theories is more valid.

Developmental tasks are a set of skills and competencies that are required at each stage of development. They contribute to the individual's increased social competence and define what is normal and healthy in terms of social expectations (Sekopane, 2013:45). The adolescent's developmental tasks are to accept physical maturation, develop formal operational thought, develop emotionally, and establish membership of a peer group and sexual relationships. Chabilall (2004:66) indicates that the developmental tasks of adolescence make a great demand on the adolescents as they are trying to move away from juvenile behaviour and the child-like way of thinking. These tasks are said to be the different domains of development, namely physical, cognitive, emotional and social (Louw & Louw, 2007:279; Wait & Loxton, 2005:150 cited in Parker, 2011). Parker (2011:15) indicates that the different domains of development cannot truly be separated, as they take place as an undifferentiated event. Cobb (2010:8) maintains that each of the tasks that adolescents face can be thought of as a facet of one central task achieving a stable sense of self as adolescents step into adulthood.

The life cycle stage of adolescence is very often associated as a time of *change* and *crisis* (Thulien, 2007). This change takes place in the adolescent's development in the area of biology, the maturing of their emotions, cognition, and in their interpersonal relationships (Lerner et al., 1995). Whilst the word "crisis" can be connotated with calamity and tragedy (Amato, 1993), Erikson (1968:16) refers to adolescence as a time of "crisis", describing it essentially as a "turning point, a crucial moment, when development must move one way or another", gathering together sources for development, healing, and for advanced separation. According to Maartens (2007:18), adolescents need to discover those resources and persons with whom they can identify and utilize for further growth. It therefore, depends on the way in which the time period of adolescence is perceived and experienced either as a time of crisis and conflict, or as a time where turning point takes place for further growth and maturity (Maartens 2007:18). The developmental tasks to be discussed include physical development, cognitive, emotional, social and moral development.

2.4.1 Physical development

The adolescent period is characterised by accelerated physical change, including a rapid height spurt, maturation of the reproductive system, the appearance of secondary physical characteristics, and the redistribution of body weight. The period of time when these changes take place is commonly referred to as puberty (Parker, 2011:16).

Puberty is used as a collective term for all the physical changes that occur in a growing adolescent as the individual passes from childhood to adulthood (Anderson, Bananzizi, Berenson & Busch, 2009:61).

Many adolescents might not be able to understand the physical changes they experience and some are unable to protect themselves from abuse and exploitation. Internally, adolescents become capable of sexual reproduction. Moretti et al. (2004) attest that externally boys and girls begin to look more like mature men and women. Contrary, Chabilall (2004:79) states that when they cannot cope with the physical changes because they are too immature to be assertive, adolescents are prone to be exploited.

2.4.2 Cognitive development

Cognitively, adolescents begin to think more like adults (Sekopane, 2013:10). Furthermore, their thinking becomes more advanced, more efficient and generally effective. According to Anderson, Bananzinzi, Berenson, and Busch (2009:61-62), developments which become visible during this phase are: thinking is less bound to concrete events than that of a child; adolescents are better able to think about abstract things, think about several things at the same time, and began to see things as relative. Thus, adolescents in divorced families may start to blame themselves for the break-up of their parents (Amato, 2000).

According to Parker (2007:17), during adolescence there is an expansion in the individual's capacity and style of thought. The adolescent becomes more rational and capable of more complex thinking, and shows a tendency to evaluate before arriving at a definite conclusion. Craig (1964), Gouws et al. (2000), Specht and Craig (1982) state that cognitive capacities such as greater awareness, imagination, judgement and insight are broadened, which allow the adolescent to rapidly accumulate knowledge about a broad range of issues and problems. For adolescents, the central focus of cognitive development is the development of formal operational thought. During this period, abstract thought and egocentrism develop, and the concepts of the imaginary audience and personal fable begin to emerge (Newman & Newman, 1997:646).

The imaginary audience in the adolescent's belief is that he or she is the focus of everyone else's attention. The imaginary audience becomes a source of the adolescent's self-consciousness (Louw & Louw, 2007:306) and the second egocentric distorted image of self is the personal fable. Newman and Newman (1997:647) refer to personal fable as a deep investment in one's own thoughts and feelings and a belief that these are unique. Thus, the adolescent is convinced that he or she can suffer so intensely and no one else has experienced such agony. The personal fable is built on the imaginary audience, as one becomes highly conscious of how one looks and acts, and this leads to the belief that there must be something unique and special about oneself (Louw & Louw, 2007; Wait et al., 2005).

2.4.3 Emotional development

Adolescents develop self-identity and self-esteem. Conger (2001:19) indicates that the fluidity of an adolescent's self-image, his/her childhood standards on the needs of maturity bring into sharp focus every conflict, past and present, that he/she has failed to solve. The adolescent can provide complex and abstract psychological descriptions and develops from the dependence of childhood to the independence of adulthood (Conger, 2001:20). This is a storm and stress period, which is and can be exacerbated in adolescents with divorced parents.

During adolescence the goal of shedding the emotional dependencies provided by a member of the family must be attained. The disengagement from parents allows the adolescent to find attachments outside the family of origin and to create his or her "own family" (Fanos, 1997:26-27). In order to expedite this process, a parent must be able to separate his/her needs and wishes from those of adolescents (Fanos, 1997:26). According to Cobb (2010:19), as adolescents become responsible for more areas of their lives, they experience new personal strength, redefine areas of responsibility and redefine their relationships with parents, leading to greater emotional independence.

According to Newman and Newman (1997:653), it has been instituted that adolescents experience fewer extremely positive emotions and more negative emotions than younger children. Negative emotions that are characteristic of this developmental phase include shame, anxiety, embarrassment, guilt, shyness, anger and depression. In addition, feelings of self-consciousness, embarrassment, awkwardness, loneliness, nervousness and being ignored are reported by adolescents more often than by pre-adolescents (Louw & Louw, 2007:319). Hence, poor adjustment to the divorce process could have a negative impact on the emotional experience for the adolescent lacking emotional support to provide resilience against depression and anxiety.

2.4.4 Social development

The fourth developmental task is related to social development of which peer group and parental relationships are of exclusive focus. Leaner and Steinberg (2004:85) point out that adolescents face two broad challenges during the transition from childhood to adult life. In general, adolescents start to form closer bonds with the peer group and try to establish more individuality from the parents (Parker, 2007:19). As adolescents develop relationship with peers, they spend more time with their peers (Dodge, 1988:61). Furthermore, friends can have a profound effect on adolescents' current and future happiness. Some start to date and to engage in sexual activities. Buhrmester (1990) found in his study with preadolescents and

adolescents that intimacy in friendships was highly connected to adolescents' interpersonal adjustment and competence. Adolescence is a developmental phases where peers and society have an influence on adolescents' lives (Sekopane, 2013:23). According to Parker (2007:19) relationships are essential to the adolescent's development of social skills, and membership of a peer group is very important. Furthermore, adolescents learn from their peers what behaviour is socially acceptable and what behaviour will be rewarded. Peer friendships provide an opportunity for emotional intimacy, support and understanding, as well as companionship and fun. Wait and Loxton (2005:156-157) indicate that these peer group friendships are based on a variety of aspects such as athletic ability, special talents, social class, scholastic achievement, religious or ethnic group affiliation, or involvement in deviant behaviour. Therefore, adolescents become part of a group with which they have, or wish to have, something in common. Kerig, Schulz and Hauser (2012:33) indicate that adolescents may struggle with uncertainty about the rules for appropriate behaviour, including emotional and expression, in these new situations.

Sekopane (2013:60) further indicated that in general, adolescents possess poor decision and negotiation skills. Yet, during this phase, they face a series of important developmental decisions involving family and peer relationships, sexual expression, vocational and educational development as well as experimenting with drugs and alcohol (Maag & Irvin, 2005). Research by Kelly (2000) indicates that it is necessary to teach adolescents social skills and attitudes related to developing relevant educational competencies, handling current problems and stresses, and anticipating and preventing future.

Adolescents develop relationships with their peers and begin to spend more time with them. According to Conger (2001:31), young people value the following: having friends and being close to at least one friend; living in a comfortable home where there is adequate food and money to fulfil personal needs; enjoying a stable family life and support from parents; feeling independent and being able to speak up for oneself and having a sense of humour. As they build friendships they discover that friends have a profound effect on their current and future happiness (Dodge, 1988:68). They start to date and to engage in sexual activities that may strain family relationships because of conflicts with parents. Tension arises as a result of the adolescents' egocentric nature (Gumbiner, 2003:31); they believe that the whole world revolves around them. They have a heightened sense of self-consciousness and assume that everyone else is as focused on them as they are on themselves.

There are certain factors that contribute to youth displaying anti-social behaviour. Ramphela (2002:152) states that these factors include a low self-concept, the lack of parental care and irresponsible parenting. Though adolescents start to show distinct signs of independence from

their parents during this stage (Gouws, Kruger & Burger, 2000), Parker (2007:19) points out that adolescent's still need their parents for support, particularly emotional support. A lack of parental interest and support may have negative effects on the adolescent's schoolwork, self-esteem, and social adjustment, giving rise to problematic behaviour.

2.4.5 Moral development

Morality is defined as conformity to shared standards, rights and duties (Harold, Kaplan, Sadock & Benjamin, 1994:54). However, two socially accepted standards may conflict, and the person learns to make judgements based on an individualized sense of conscience. The person has a moral obligation to abide by established norms but only to the degree that they serve human ends. That stage of development internalises ethical principles and the control of conduct (Harold et al., 1994:54). The concept *moral in* Berns' (2007:521) deliberation encompasses an individual's evaluation of what is right and wrong and involves acceptance of rules that govern one's behaviour toward others (Sekopane, 2013: 24).

Adolescence is a developmental phase in which young people find themselves in vulnerable situations that could influence their personal morals (Sekopane, 2013:23). During adolescence, moral development and more specifically, moral reasoning is a task that is vital. Piaget (1983) described morality as developing gradually, in conjunction with the stages of cognitive development. Thus, in the preoperational stage, the child simply follows the rules set forth by the parents; in the stage of concrete operations, the child accepts rules but shows an inability to allow for exceptions; and in the stage of formal operations, the child recognizes the rules in terms of what is good for the society at large. In this process of developing moral reasoning, adolescents gain knowledge of beliefs that allows them to determine whether particular conduct patterns are of right or wrong nature (Louw & Edwards, 1997:512).

Snarey (1985) indicates that the pace at which this moral development is taking is decided upon the social context. Louw and Edwards (1997) argue that even if adolescents can distinguish between right and wrong, have certain strong beliefs about certain behaviours such as taking drugs; engage into irresponsible sex and delinquency and have a sense of moral reasoning, does not necessarily determine how adolescents will behave. Hence, very often conflict occurs between the principles of adolescents and pressures within the environment that changes their beliefs. These challenges are powerful influences which can override an individual's moral judgement, such as, conformity to the normative attitudes of the peer group, submission to those who are in power positions and identification with group ideology (Louw & Edwards, 1995:515).

Adolescence is a time in which individuals are actively working on defining their selves, exploring different values and beliefs, and developing a stronger allegiance to particular goals. During adolescence, individuals are working especially hard to prioritize the values, beliefs, and commitments that are central to their identity and those that are peripheral (Kerig et al., 2012:33).

In view of developmental tasks, the theory of psychosocial development provides a well-defined however incomplete, lens which one can view and study adolescent development (Sekopane, 2013:42). Furthermore, the value of this theory lies therein that it is relatable, as it emphasises personal crises and social conflicts, and that gives clear explanations for which crisis may arise through the sequential life stages (Newman & Newman, 2009). A strong critique against this theory of development is that it does not take account of gender differences, and how or why development takes place (Newman & Newman, 2009). In spite of the criticism, the theory of psychosocial development has greatly advanced social scientists' understanding of development (Newman & Newman, 2009). The next section will discuss the base of psychological well-being of adolescence.

2.5 THE BASE OF PSYCHOLOGICAL WELL-BEING

Ryff and Singer (2008) indicate that psychological well-being is contingent on six pillars, namely (1) self-acceptance; (2) positive relations with others; (3) personal growth; (4) purpose in life; (5) environmental mastery; and (6) autonomy.

According to Ryff and Singer (2008), *self-acceptance* is more than mere knowledge of one's own motivations, desires and intentions behind actions. It is a positive regard that the individual has for him-or herself. *Positive relations* with others signify that the individual not only "gets along" with others, but the individual is able to feel empathy and share a feeling of mutual compassion with other individuals. Thus *self-acceptance* and *positive relations* with others can be seen as two sides of the proverbial coin. Both of these pillars are relationally oriented. That is, to the relationship with the self, and the relationship with others (Ryff & Keyes, 1995; Ryff & Singer, 2008; Seifert, 2005).

Personal growth is the third pillar which Ryff and Singer (2008), relates to Abraham Maslow's (1968) theory on self-actualisation as a human need. Personal growth is a continuous and dynamic process in which the individual perpetually strives to realise personal potential, is open to new experiences, and is in a continuous state of development, as opposed to stoic acceptance of one's current state. Therefore, the individual is constantly aiming to better the

self and uncover new talents and abilities (Ryff & Keyes, 1995; Ryff & Singer, 2008; Seifert, 2005).

Purpose in life is the fourth pillar on which psychological well-being rests, and it can be said to have strong existential underpinnings (Ryff & Keyes, 1995; Ryff & Singer, 2008; Seifert, 2005). This alludes to Frankl's personality theory based on the *existential view of person*. An existential view of the person is based on the idea that the person is primarily a spiritual being with freedom, but also with responsibility (Rapmund, Moore, Oosthuizen, Shantall, Van Dyk & Viljoen, 2009:189). Frankl (1959) elaborates that as a person one decides for oneself whether one will say "yes" or "no" to life demands, and because one has free will, one naturally bears responsibility for one's choices and their effects. Hence as a person you are capable of self-transcendence and are primarily capable of finding meaning in one's life. According to Frankl (1959:133), self-transcendence denotes the fact that being human always points, and is directed to something, or someone, other than oneself - be it meaning to fulfil or another human being to encounter.

Environmental mastery is the fifth pillar of psychological well-being. According to Ryff and Singer (2008) environmental mastery is not completely different from the psychological construct "sense of control" and 'self-efficacy'. According to Ryff and Singer (2008), environmental mastery is the individual's ability to change his or her circumstances to suit his or her own needs. Emphasis here is placed on the individual's ability to find or create surroundings that adhere to his or her personal needs.

Lastly, the sixth pillar of psychological well-being is *autonomy*, which, according to Ryff and Singer (2008), can be considered the most "western" of all the elements or pillars of psychological well-being. Apart from it being the individual's ability to navigate obstacles and complete tasks on his or her own, autonomy is, as Rogers (1962) puts it, an internal evaluation of the self. Maslow (1968) postulated that the autonomy observed in "self actualisers" was their liberation from the fears, beliefs and dogmas held by the masses. It can thus be said that autonomy is the essential uniqueness of and the expression of that uniqueness by, an individual (Ryff & Singer, 2008).

This section discussed the conceptualisation of psychological well-being, and encompasses a discussion of the six pillars upon which psychological well-being of individuals' is based upon. Hence, a theory underpinning each pillar has been discussed. The following section will discuss adolescents and parental divorce.

2.6 ADOLESCENTS' EXPERIENCES OF PARENTAL DIVORCE

While the subject of adolescents' psychological reaction to parental loss has generated much research interest from studies conducted abroad, it seems that many researchers have proposed different perspectives regarding what actually constitutes a typical adolescent reaction to the loss of a primary caregiver such as the parent (Garzouzie, 2011:7).

It has been noted that the adolescent's experiences of loss of a parent could have a long-lasting negative influence on the adolescent's psychological development, levels of depression, types of attachment, anxiety experienced and overall well-being (Bowlby, 1973). Harmer (1999:2-3) attests that adolescents who are experiencing the divorce of their parents usually exhibit changes in behavior and inconsistent feelings. These teens can "fluctuate from being all-knowing to seeing themselves as helpless. Furthermore, when divorce becomes an issue for teens, it magnifies their feelings of confusion and uneasiness which can lead the teen to act in an improper, negative, or self-destructive manner (Harmer, 1992).

In the following section, the findings of some of recent research on the developmental issues that an adolescent face during and after divorce and factors that may contribute to their well-being will be reviewed. Because of scope limitations this will not be a detailed review of the literature.

2.6.1 Adolescents' emotional response to divorce

The vulnerability of some children and the resiliency of others when facing the changes and challenges during and after a divorce have led researchers to examine the influence of children's own characteristics on coping with their parents' marital transitions. The most frequently studied characteristics are age, gender, and personality (Hetherington & Stanley-Hagan, 1999).

In the immediate aftermath of a parental divorce or remarriage, most children experience emotional distress and behavior problems, including anger, resentment, demandingness, non-compliance, anxiety and depression, as they cope with the confusion and apprehension stemming from changing relationships in the family and shifts in their life situation (Hetherington & Stanley-Hagan, 2002). Authors conclude that although the intensity of adverse responses to the parents' marital transitions tends to diminish over time following divorce, even in adolescence and young adulthood offspring from divorced and remarried families function less well than those from non-divorced families (Hetherington & Stanley-Hagan, 2002). Research conducted by Hetherington (1991a, 1993) show that adolescents from divorced and remarried families compared to those from non-divorced families show a

two-to three-fold increase in risk for psychological and behavioral problems, including school dropout, early sexual activity, having children out of wedlock, unemployment, substance abuse, delinquent activities and involvement with antisocial peers.

In a very comprehensive longitudinal study, however, Wallenstein and Kelly (1976) found that adolescents have the poorest response to divorce among children of all ages. Lerner, Brennan, Noh and Wilson (1995) indicate that there are a range of behaviours and associated emotions exchanged between parents and their adolescent offspring: Some of these exchanges involve positive and healthy behaviours and others involve the opposite; some of the outcomes for adolescent development of these exchanges reflect good adjustment and individual and social success, whereas other outcomes reflect poor adjustment and problems of development. As is true for all facets of human development, there is then diversity in the nature and implications of parent-child relations in adolescence (Lerner et al., 1995).

2.6.2 Adolescents gender difference in adjustment to divorce

Gender differences are less likely to be obtained in recent studies of divorce and are more likely to occur with younger children than with adolescents (Amato & Keith, 1991a). However, behaviour problems in children from divorced families show a notable increase in adolescence, with the increase being greater for girls rather than for boys (Hetherington, 1993; Hetherington et al., 1992). Some of these problems have more adverse consequences for girls than for boys. For example, single parenthood which is higher in adolescents from divorced than from non-divorced families, has more deleterious consequences on the education attainment and well-being of adolescent girls (McLanahan & Sandefur, 2000). The diminishing of effects have been attributed to an increase in the involvement of fathers following divorce reported in recent studies (Maccoby & Mnookin, 1992). Father involvement has been found to be greater with sons following divorce and to be more important for the development of boys than of girls (Amato & Keith, 1991a; Lindner-Gunnoe, 1993; Zill & Rogers, 1988). According to Hamer (1993:6) “boys: are known to have behavioral problems in school during the initial stages and the first two years after the divorce: exhibit a noticeable change or drop in the academic grades; have high chances of getting involved with alcohol and drugs; are more susceptible to having over aggressive behaviour; and a higher percentage of drop-out rates than those adolescents not involved in divorce issues: Whereas “girls: show more signs of depression over the divorce and changes taking place in their lives; show signs of poor school achievement and their grades decline noticeably; have a higher percentage of drop-out rates compared to those girls who come from an intact family; and run with an older crowd and enter sexual activity earlier than their peers from non-divorced families.”

In their most recent study (Howell, Portes & Brown, 1997) found that older children exhibit higher adjustment than younger children, and older children adjust better to separation/divorce or tend to be less vulnerable to the initial phase.

In response to divorce, Hetherington (1989) indicate that although boys and girls seem equally vulnerable to the development of behaviour problems, depressive symptoms, low cognitive agency and increased social responsibility, only a cluster of girls - but not boys - from divorced homes show exceptional competence following divorce.

In the next section, the researcher will discuss parental relationships as a factor to the developmental well-being of an adolescent as a phase characterised by changes.

2.6.2.1 *Mother-adolescent relationship*

The first person to suggest that mother-daughter, mother-son, father-daughter, and father-son relationship dyads are distinct in character was Steinberg (1990). Moreso, he believed that these relations undergo different transformations in adolescence. Researchers such as Dornbusch (1989), Flannery, Montemayor, Eberly and Torquati (1993), Maccoby (1990), as cited in Russell and Saebel, (1997) have also argued that there are unique relationship patterns for the four dyads. Therefore, it can be argued that closeness between these dyads would differ from one another.

Steinberg and Silk (2002) claim that men and women approach parenting differently. This implies that mothers and fathers will relate to their adolescents differently. Mother-adolescent and father-adolescent pairs are similar in that both generally involve work: chores, care-giving, housework and recreation. Nonetheless, Paulson, Hill and Holmbeck (1991) aver that adolescents are more likely to report feeling close to their mothers than their fathers. Adolescents tend to perceive their mothers as more accepting toward them than their fathers (Collins, 1990). According to Buchanan, Maccoby and Dornbusch (1992), mothers are more inclined to develop closer, more intimate relationships with their children than fathers, even though mothers play a principal role in discipline as well. Hence, for many adolescents, relationships with their mother provide more pleasure and affection, but interestingly more conflict as well, than relationship with fathers (Larson & Richards, 1994). A study by Duchesne, Ratelle, Larose and Guay (2007) found that adolescents generally perceived their relationships with their mothers to be of higher-quality. Duchesne et al. (2007) indicate that as adolescents enter high school, they start undergoing physical and social changes associated with puberty. These changes may lead adolescents to organize their attachment behaviours

around their mothers. As a result, adolescents may perceive their mothers to be the best persons to provide comfort and support during this sensitive developmental stage.

Arditti (1999:109) emphasises that the area of mother-child relationships during and after divorce has tended to focus on the negative implication of mothers' eroding discipline, parenting stress, and role strain for children's adjustment. Furthermore, Arditti believes that the consensus is that "divorce doesn't severely damage children's relationships with their mothers who have primary custody versus counterparts who come from two parent families.

In regard to the above, the effects of father-child relationship from an early age can influence adolescents' development. The transactional model of development supports the contention that early experiences of father-child relationship do affect the child's self-description, which in turn contributes to the types of self attributions developed in adolescence (Denny & Martin, 2004).

2.6.2.2 *Father-adolescent relationship*

In parent-adolescent-relationships studies in the early 1900s, fathers were a hidden parent in research on children's well-being (Nord, 1998). Furthermore, fathers' importance to children's financial well-being was widely accepted, their contribution to other aspects of children's development was often deemed to be secondary to that of mothers and thus not usually examined (Nord, 1998). The low level of closeness between adolescents and fathers has been documented in other studies (Shulman & Klein, 1993). Claes (1998) found that adolescents spent less time with their fathers, and the degree of intimacy of conversations with them was the lowest, while the mothers maintained a privileged position in the family. Lamb (1997) indicates that fathers were seen to be on the periphery of children's lives and of little direct importance to children's development. However, in the past decades, a cultural shift has occurred in the image of fatherhood from disengaged breadwinner and unemotional disciplinarian to the *new father* who is expressive, nurturing and intimately involved in his children's daily lives (Bozzet & Hanson, 1991; Wilkie, 1993 in Harris, Furstenberg & Marmer, 1998). However, father-adolescent relationships are more focused on recreational activities than mother-adolescent relationship (Collins & Laursen, 2004).

According to Mammen (2011), review of research studies showed that fathers spend less time on childcare than mothers do (e.g., Sayer, Bianchi & McLanahan 2004; Palkovitz, 2002). In spite of, there is a stout consensus among developmental psychologists and sociologists that greater father involvement is beneficial for children (Carlson & McLanahan, 2004; Palkovitz, 2002). Hence, the presence of a warm and affectionate father can help a child develop positive

self-esteem and can influence gender role behaviour (Chen, 2007). Research by Katz (1999) indicates that the secure attachment or emotional investment process that a father figure provides facilitates the child's ability to develop and demonstrate both empathy and self-control. Furthermore, an insecure attachment could lead to lower levels of empathy and self-control, and an increase in violent behaviour (Katz, 1999).

Research shows that children who grow up apart from their biological fathers do less at school than children who grow up with both natural parents; and are less likely to finish high school and attend colleges and universities. Contrary, McBride, Schoppe-Sullivan and Moon-Ho (2005) found that fathers' involvement in their children's education and achievement had several benefits such as increased class attendance, fewer discipline problems, and a higher academic aspirations. Moreover, fathers' expressive and instrumental affection, nurturance, interest, and companionship enhance children's self-esteem, life satisfaction, and social competence (Biller, 1993; Wenk, Hardesty, Morgan & Blair, 1994; Young, Miller, Norton & Hill, 1995).

Steinberg and Silk (2002) are of belief that generally adolescents spend more time with their mothers and are more likely to share feelings with them, but adolescents in general ordinarily view fathers as distant figures to be consulted mainly for information and material support. Research (Hill, 1988) indicates that both sons and daughters have warm relationships with their mothers, but sons are typically closer to fathers than daughters are. Whereas recent research (Harris, Furstenberg & Marmer, 1998) found that fathers have close affective bonds with their mid-adolescent children, and engage in joint activities and supportive interactions to nearly the same degree as mothers do.

The above section provides literature which gives useful insights into the phenomenon of parent-child relationship. According to Marcherl (2004), the parent-child relationship serves as a prototype or template for the child's future relationships. It is argued that the quality of one's early relationship may predict the quality of one's later relationships. Therefore, the following section will discuss the maintenance of relationship between parents and adolescents.

2.6.3 Maintaining parent-adolescent relationships

It has been suggested that the quality level of a parent-child relationship may vary due to the gender of the child (Howell, Portes & Brown, 1997). Buttinger (2012:20) infer that while there remains much debate over which post-divorce adjustment factor is the most damaging to children, there is very little argument over what aids a child most in making a healthy transition: a good relationship between custodial parents and the child.

In view of parent-adolescent relationship, Bowlby (1969) defined attachment as that ability of human beings to make strong affectional bonds to others. It has been widely hypothesised that life events, including divorce, can disrupt the stability of attachment either through loss of the physical presence of the parent or through loss of the ability to fully rely on the support of the parent in the same way (Amato, 1993; Nair & Murray, 2005). Researchers, Wolchick, Wilcox, Tein and Sandler (2000) found that a positive mother-child relationship could act as a buffer to divorce stress. Additionally, consistent discipline alongside a good relationship accounted for reduced levels of internalizing and externalising problems (Veléz, Wolchik, Tein & Sandler, 2011). It may be deduced from the above that when children experience consistency in acceptance and discipline they can maintain a greater sense of predictability of their environment and feel more confident in the support they will receive when addressing stressful issues (Buttinger, 2012:20). Grych and Fichman (1997) indicate that while positive adjustment is likely to occur when a supportive relationship exists between the child and one parent, the adjustment is increased when the child has a positive and supportive relationship with both parents. McKinney, Donnelly and Renk (2008) stress that the way in which adolescents perceive their parents and the relationship with them has a significant effect on their later outcome and risk for the development of unhealthy behaviour and lifestyles.

In sum, then, parent-child relationships marked by behaviors supportive of the youth and by positive feelings connecting the generations are associated with psychologically and socially healthy developmental outcomes for the adolescent (Lerner et al., 1995).

2.7 CONCLUSION

This chapter gave an overview of the early, middle and late adolescent life phase by discussing the psychosocial needs of adolescents with divorced parents. This study discussed the theoretical perspectives that examine adolescence as a developmental phase with its associated tasks. The usefulness of life span theory for this chapter lies therein that it sheds light on an often misunderstood stage of life, namely adolescence (Papalia et al., 2007). By discussing the life span theory, one might get a better bird's eye view of not only the physical changes, but also the inherent psychological changes that the adolescent is undergoing. Life span theory very neatly discharges and describes a notoriously chaotic and difficult to understand life stage, making it a valuable addition in the attempt to better understand adolescents. The chapter then discussed the base of psychological well-being.

Finally, the chapter looked at the adolescents and parental divorce by examining the impact of divorce and adolescent adjustment to parental divorce.

Given the theoretical assumption that adolescence is a period of “stress and storm”, it can be deduced from above that the developmental tasks of adolescence pose particular challenges for individuals with divorced parents. Therefore, parents must learn how to help their child/ren manage some of the typical aspects of this transition as well as navigate issues specifically throughout this turmoil transitional period. This situation in particular, likely requires a supportive co-parenting relationship of the parents.

In the next chapter, a discussion on the sphere of co-parenting from the legal perspective will be investigated in order to understand the use of co-parenting for adolescents with divorced parents.

CHAPTER 3

THE USE OF PARENTING PLANS FOR ADOLESCENTS OF DIVORCED PARENTS FROM A POLICY AND LEGAL PERSPECTIVE

3.1 INTRODUCTION

In order to develop an understanding of the use of co-parenting for adolescents with divorced parents from a policy perspective, a literature review was undertaken. This chapter will focus on the policies of the United Nation Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child, the Constitution of South Africa and more specifically section 28 part of Chapter 2 which deals exclusively with the fundamental or human rights of children, the Children's Act 38 of 2005. South Africa is a State party to the UNCRC and ACRWC and as such is obliged to reform its laws and policies in accordance with the Convention and the Charter. Key articles from the UNCRC, ACRWC and other sources will be outlined and linked to this section of the study.

To get an understanding of how these policies and legislations prioritise the child and how the child-centred approach influences the contents of parenting interventions, they will be critically analysed. This chapter aims to meet objective three of the research as established in chapter one which is to investigate the views of social workers on the use of co-parenting from a policy a legal perspective. Hence, viewpoints of both international and South African authors and researchers will be deliberated.

In sum, this chapter will explain a cooperative post-divorce custody relationship for both former spouses. Recent legislation emphasizes joint parental responsibilities after divorce, of which alternating residence or co-parenting is the prime example. Thus, if parents come to a better understanding of the importance of co-parenting in childrearing, divorce may less detrimentally affect the development of the adolescents' well-being.

In order to understand the position of children during and post parental divorce, global view on Children's rights will be deliberated in the following sections.

3.2 GLOBAL POLICY ON CHILDREN'S RIGHTS

The concept of children's rights is a fast growing and integral part of human rights and since the start of the previous century the development of children's rights has paralleled the development of general human rights (Basson, 2004:37).

The need for specific global/international policy dealing with the rights and interests of children did not go unnoticed for a very long time. Since as early as 1924, the international community recognized the fact that children are entitled to special safeguards and protection. That is, the 1924 Declaration assigned the duty "that mankind owes the child the best it has to give" to the "men and women of all nations" (Basson, 2004:43). However, the early development of the recognition of children's rights was not aimed directly at children as the bearers of rights and entitlements. It is only after the adoption of the United Nations Convention on the Rights of the Child (1989) that the children were at last recognized as the bearers of a unique set of rights, encompassing all the rights afforded to their parents as well as certain others that attach to childhood itself as a separate status worthy of additional protection (Basson, 2004:43). Finally after 25 years, children are treated as people who have rights like any other human being.

3.2.1 The United Nations Convention on the Rights of the Child (UNCRC) 1989

The UNCRC is seen as the most comprehensive instrument encompassing the various rights of children (Kassan, 2004:5). Thus, children's rights, listed in the UNCRC, are a set of universal entitlements for every child and young person below the age of 18. These entitlements apply to children of every background and encompass what they need to survive and have opportunities to lead stable hence rewarding lives (www.savethechildren.org.uk).

3.2.1.1 *Need for global policy*

The need for specific global policy dealing with the rights and interests of children became a global interest. As early as 1924, the international community recognized the fact that is a necessity that children must be entitled to special safeguards and protection (Basson, 2004:42). This implies that children's rights are more significant and necessary to uphold.

After the adoption of the United Nations Convention on the Rights of the Child (1989) children were recognised as the bearers of a unique set of rights, encompassing all the rights afforded to their parents as well as certain others that attach to childhood itself as a separate status worthy of additional protection. Half a century of international effort to set worldwide standards in the field of human rights, culminated in the convention on the rights of the Child (1989). The convention was followed upon by the Declaration of the Rights of the Child (1924) by the

League of Nations, the United Nations Universal Declaration of Human Rights (1948) and the United Nations Declaration of the Rights of the Child (1959).

The Declaration assumed that children are the recipients of treatment instead of holders of rights and “should and could rely upon adults to ensure that their rights ... are protected”, which proves the point that children were perceived as the objects of international policy instead of subjects and rights-holders.

Nonetheless, the Declaration on the Rights of the Child remains an important part of the foundation of international policy by establishing the concept of the rights of the child. The importance of the Declaration can be ascribed to the fact that it is the first international acknowledgement of the connection between the rights and welfare of the child. From the Declaration it becomes clear that if countries are committed to the welfare of children, they have to protect the rights of the child. Therefore, such protection is possible through the commitment to the development of children Declaration’s formulation of ideals, aims and directives.

The UNCRC was agreed to by the UN in 1989 and is regarded as a defining moment in the history of children’s rights. It was adopted unanimously by the General Assembly of the UN and no other human rights treaty has been ratified so soon after its proposal or, after its adoption, by so many states in such a short space of time. The Convention took effect on 2 September 1990 and by December 1994 was ratified by more than 160 States. South Africa is one of the signatory State Parties.

3.2.1.2 International commitment

The United Nations Convention on the Rights of the Child (UNCRC) is a universally agreed upon set of obligations and standards which recognise that children, independent of adults, are born with and are entitled to the fundamental freedoms and rights that are inherent to all human beings (United Nations Children’s Fund [UNICEF], 2008). Hence, coming into force in 1990, it serves as a common reference or benchmark against which progress in meeting human rights standards for children can be measured and assessed.

The goodwill towards the Convention (UNCRC) indicates international acceptance of the view that the fundamental rights of children were not effectively defined and protected by existing global human rights treaties. The UNCRC is generally acknowledged to be the single most important standard for the definition of human rights for children (Basson, 2004:93).

Moreover, the UNCRC not only for the first time provides for a full range of civil, political, economic, social and cultural rights for children. Hence the United Nations Committee on the Rights of the Child, the body monitoring the UNCRC, has identified four articles within the UNCRC as enshrining general principles. These are article 2 (non-discrimination), article 3 (the best interests of the child), article 6 (the right to life, survival and development) and article 12 (respect for the views of the child) (Louw, 2009:134).

Based on the idea that the best interest of the child is of paramount importance in any matter affecting the child, Article 3(1) and 12(1) of the UNCRC (1989) provide that:

Article 3(1):

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.”

Article 12(1):

“parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

It can be deduced that the above two articles give legal autonomy to children of every background. Hence, the overall notion is that children’s rights need to be met and respected.

3.2.1.3 Human rights for children

Basson (2004:50) indicates that the fundamental rights afforded to everyone in other human rights treaties, for instance the right to freedom of expression, thought, conscience and religion, the right to freedom of association and the right to privacy, certain rights that are unique to children are ensured. Though the recognition, which the UNCRC affords to the best interests principle is the focal point for this section of that is certainly not the only value of the Convention of this study. In addition to the commitment in Article 3(1), State Parties also agree to the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace. Furthermore, the Convention provides basic human rights for all children without discrimination while also bearing in mind the need of children, due to their physical and mental immaturity, to special safeguards and care, including appropriate legal protection, before as well as after birth. Thus include the right to life, the right to a name, nationality and to know and be cared for by his/her parents and the right to preserve his/her identity are all provided for every child by the Convention (Basson, 2004:50).

Therefore, in the context of recognizing this law, the rights and freedom of children like any human being are ensured that they are attainable goals.

3.2.1.4 The Women's Convention and the best interest of the child

This study focuses on the use of co-parenting of adolescents with divorced parents. The development of the concept "the best interest of the child", which attempted to treat both parents equal in custody as long as the child's best interest is put at the centre has made some alterations concerning custody issues. Thus maternal preference was established based on the tender years presumption belief that a mother's nurturance and love constitute irreplaceable components of early socio-personality development particularly in the tender years (Mathonsi, 1999:18).

The women's convention was adopted by the General Assembly of the United Nations on 18 December 1979. It was aimed at outlining the rights of women as bearers of human rights and promoting equality between men and women (Basson, 2004:40). Article 2 of the Convention states that:

"To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."

Article (5) of the women's convention reads thus:

"State parties shall take all appropriate measures to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

Article (16) states:

"State parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount."

It can be safely inferred from the above two articles that the commitment is to the best interest of the child. Articles 16(1) (d) and (f) declare that “the best interests of the children shall be paramount.” It is lamentable that the application of the principle is limited to the upbringing and development of the children and not meant for application in all relevant matters concerning the child. Whilst the two documents indirectly afford protection to the rights and interests of children, there remained a need for the rights of children to be specifically addressed (Basson, 2004:42).

3.2.1.5 *The Convention and custody*

Basson (2004:44) indicates that in the context of custody, the right of the child not to be separated from his/her parents against their will may be of a special relevance. Hence, this right is not absolute. In the same article (Article 16), provision is made for competent authorities to determine that separation is in the best interests of the child, which may be the case when the parents are separated/divorced and a decision about the child's place of residence has to be determined. Thus, if a child has to be separated from one of his parents, State Parties have to respect the right of the child to maintain personal relations and direct contact with both parents unless such contact is deemed to be contrary to the best interests of the child (Basson, 2004:51).

In the process of making a decision to separate the child from one of his/her parents, the child has the right to be heard if she is capable of forming and expressing his or her own views. However, the legal weight afforded to the view of the child will differ in accordance with the age and maturity of the child. According to Louw (2009:48), this right of the child to participate in decisions is the most effective way to establish the best interests of the child. Furthermore, by respecting a child's autonomy, he/she is also recognized and affirmed as a holder of rights – and to have rights implies that the taking of risks and making choices are sanctioned/endorsed (p. 51). The objective of Article 12 is not that a child should be forced to express his/her views, pressurized to participate or made to be the delegated decision-maker. But, the article affords the child the right to be involved when he/she so desired and attempts to persuade states to adopt and adapt the decision-making process so that these measures are accessible to the child. Thus, even if it has been decided that the child should permanently live with only one parent, consideration must still be given to the principle that both parents have common responsibilities for the upbringing and development of their children, which is to be exercised in the best interests of the child (Basson, 2004:52).

The international policies on children's rights created international standards, like the best interest of the child as the primary consideration, for the protection of children and the

enhancement of their quality of life (Louw, 2004:134). With proper implementation and enforcement, the international policies on the rights of children can have a concrete and very empowering influence on the position of the children both at home and in the society. The following section will discuss the African regional human rights.

3.3 REGIONAL POLICIES ON HUMAN RIGHTS

According to Basson (2004:53), one of the functions of human rights policy is to ensure that the inherent imbalance of power between state and citizen, or between citizens, is not abused. Furthermore, a unique African influence is the way in which childhood is viewed and understood. In western countries, childhood is seen mostly as a time for play and development without placing very much responsibility on children (Basson, 2004:53). In contrast in African societies, childhood is seen as “a time to learn, to build a character and to acquire the social and technical skills necessary to perform the future roles of adulthood” (Rwezaura, 1998).

The Organisation of African Unity (hereafter the OAU) felt that international human rights policies and treaties were not enough. Africa needed its own unique treaties, which would not be a mere copy of the existing international conventions but assist in achieving a flexible and pragmatic approach to the particular problems of the continent (Basson, 2004:53).

3.3.1 African Charter on the Rights and Welfare of the child (1990)

In 1990, the African Unity Organisation adopted the African Charter on the Rights of the Child (ACRWC), which lately became the African Union in 2001. South Africa endorsed this document in 1999. Similar to the UNCRC, the ACRWC is a comprehensive policy that sets out rights and defines universal principles and norms for the status of children. As a regional human rights policy it deals with issues pertinent to children in Africa that could not be dealt with on a global scale.

3.3.1.1 *Need for regional policy*

The African Charter on the Rights and Welfare of the Child (hereafter the Children’s Charter) is the first regional treaty for the specific protection of children’s rights adopted by the OAU in 1976 to answer the need for a regional human rights instrument addressing issues pertinent to children in Africa. The Children’s Charter is a unique blend of Western values and thinking towards children and African values and traditions (Basson, 2004:58).

Similar to the African Charter, the Children’s Charter invokes the same African traditions and values intended to inspire and characterise the States’ reflection on the concept of the rights

and welfare of the child. Not all African traditions and cultural practices will be acceptable in light of the Children's Charter because it reaffirms adherence to the principle of the rights and welfare of the child contained in the declarations nor conventions and other policies like the United Nations Convention on the Rights of the Child. Only acceptable positive traditions which are reconcilable to the overriding welfare of the child and not harmful to the growth and development of children will be affirmed (Basson, 2004:58).

3.3.1.2 Children's rights under the Children's Charter

The African Children's Charter sets out the rights of the child as well as the responsibilities of the child. It keeps the cultural context and the emphasis on family responsibility. It is therefore clear that the duties imposed in Chapter One of the Charter are considered to be in the child's interests. The heading of Chapter One is "Rights and welfare of the child", even though the chapter is also concerned with the duties of responsibilities of the child.

The rights of the children contained in the UNCRC have found their way into the African Children's Charter (Basson, 2004:59). Similar to the UNCRC, the Children's Charter indicates that every human being below the age of 18 years is a child and every child is afforded the basic human rights without discrimination. These human rights include the right to life, the right to freedom of expression, association, thought, conscience and religion. However, in some cases the rights in the Children's Charter are qualified. For instance, the child is guaranteed the right to freedom of thought, conscience and religion and parents have the duty to provide appropriate guidance and direction in the exercise of these rights. Hence, the right to freedom of expression is only ensured to the child who is capable of communicating his or her own views.

It should be noted that the Charter contains certain rights reserved for children, for instance the right to rest and leisure, to engage in play and recreational activities and the right to parental care and protection. The discussion on some of the rights is beyond the scope of this study. However, for the direction of this study, the most essential similarity with the Children's Convention, is the Charter's commitment to the best interest of the child.

"In all actions concerning the child undertaken by any person or authority the best interest of the child shall be the primary consideration." (Article 4)

The ACRWC recognises children as people in need of protection but also as autonomous beings capable of making their views heard in domestic legislations (Kassan, 2004:19).

Of particular relevance to this study, articles from ACRWR that can add value when social workers are facilitating intervention relating to co-parenting were identified; namely: *Articles 4, 7, 9 and 12.*

Article 4 and article 7 guarantee a child an opportunity to communicate his or her views; hence article 9 guarantees every child the right to freedom of thought, conscience and religion. Article 12 (2): entrenched the most important right for children's participation by guaranteeing a child to express his or her views in all matters that directly affect him or her. Again it affords the right to be heard in official proceedings affecting him or her. It should therefore be noted that article 12 contains two aspects, namely, the child's right to express his or her views (in article 12 (1)), and the child's right to be heard (in article 12(2)). According to Kassan (2004:6) article 12 implies that the participation of children has become an important feature in the arena of children's rights as it gives them the possibility of self-exploration in matters affecting them directly.

Other participation rights found in the ACRWC, which will not form focus of this study is that it guarantees the right of the child to freedom of expression, and the right to freedom of association and assembly, as well as the right to participate in cultural life and artistic events.

In regard to *Articles 4, 7, 9 and 12*, it is evident that the ACRWC has an obligation to "recognize the rights, freedoms and duties enshrined in this Charter" and to undertake the necessary steps in implementing it as echoed by the UNCRC. According to Kassan (2004:17) implementation is the process whereby States Parties take action to ensure the realisation of all the rights in the ACRWC and UNCRC for all children in their jurisdiction

To ensure effective implementation, intervention must be drawn; hence, focus should be on parental rights and responsibilities in relation to the child. These rights and responsibilities should be clearly specified and defined in the intervention plan to ensure that parents understand their duties and roles pertaining to their roles in the post-divorce family. With regard to parental rights and responsibilities, article 11(4), article 18, article 19 and article 20 enlighten parental rights, responsibilities and duties pertaining rearing their children. Thus, *article 11(4) guarantees parents the right to choose for their children schools; article 18 ensures equality of rights and responsibilities of spouses with regard to children during marriage and in the event of parental divorce that no child shall be deprived of maintenance; article 19 anchors responsibilities on parents for parental care and protection and that children have the right to reside with his or her parents. Again, the article stipulates that every child and shall, whenever possible, have the right to reside with his or her parents. Thus every child who is separated from one or both parents shall have the right to maintain personal relations*

and direct contact with both parents on a regular basis and article 20 assigns parents primary responsibility of the upbringing and development the child.

It is a clear evident that *articles 11(4), 18, 19 and 20* of the ACRWC should be taken into cognisance when parents wants to co-parent. This means that rights, duties and responsibilities of parents as caregivers should be imperatively outlined and form the base of the intervention plan post-divorce.

3.3.1.3 Duties of the family members

In similar view to the African Charter, the Children's Charter recognizes the family as the basic unit of society and requires State parties to protect and support the establishment and development of families (Basson, 2004:62). However, for family cohesion, the duty does not lie on the state only but upon family members as well. For the purpose of this study, the most similarity with the Children's Convention, is the Charter's commitment to the best interest of the child (Article 4(1)).

The Children's Charter (1996) indicates that parents or persons responsible for the child carry the responsibility for the upbringing and development of the child. However, in the African context, this is not an alien concept. Thus parents have traditionally taken responsibility for the upbringing and development of their children since the children were their only way of investing for the future. As a result, the approach focuses not on the welfare or interests of an individual member or child, but rather on the group or extended family. Under the Children's Charter, however, there is a specific obligation on parents to ensure that the best interests of the child are their basic concern at all times. This will therefore necessitate parents to change the way they think about their children (Basson, 2004:62).

3.3.1.4 The best interest of the African child

According to Louw (2009:104), both the African Charter on Human and People's Rights and the African Children's Charter are committed to the welfare of Africa's families, while the Children's Charter expressly commits States parties, as well as parents, to the best interest of the child as the primary consideration.

In the African context the best interest of the child is twofold. The fist is adopted into the national policies of African countries where courts make decisions concerning the child on what they perceive to be in the child's best interest. The second is the conception of what the community or family consider being the best interest of the child. This entails the traditional

African ideal that the children's interests are served when the family and community fulfil their responsibilities towards each other (Basson, 2004:64-66).

The ACRWC plays a vital role in protecting the rights of children in an African context including South Africa. Although the rights are described similarly to those in UNCRC, it is specifically decided on the unique circumstances of the African child. The ACRWC puts children's rights in legal and cultural perspective. In order for ARWC to have significance for children's rights in Africa and effectively change children's lives, people and member states collectively need to believe in and accept children's rights as human rights and recognise binding duties on them. Lloyd (2002:11) indicates that it is a key source of inspiration for African member states and represents a collective recognition of the rights and welfare of African children, and it establishes a policy framework for their protection.

The ACRWC and the UNCRC are international and regional human rights treaties that cover the whole spectrum of rights (Situational Analysis of Children in South Africa, 2009:iv). In sum, it is found that both the UNCRC and the ACRWC set criteria that are fundamentally vital for social workers when intervention is drawn. Namely:

- The best interest of the child;
- The child's views and opinions;
- Recreational activities for the child;
- Maintenance for the child;
- Parental care and protection of the child;
- The child's contact with parents when the parents are separated or when parents relocate; and
- The child's standard of living.

Given the above criteria to consider, it is of paramount that any decision taken by divorcing parents with the help of a social worker, the child's needs are at the centre. This entails the provision of a set of *economic, social, cultural, civil* and *political* rights. These rights guaranteed by the Convention are afforded to all children without exception (UNCRC).

In view of the children's rights, the following section will discuss the use of co-parenting in relation to the national policies and legislation.

3.4 NATIONAL POLICIES AND LEGISLATION

South Africa agreed to take the obligations of the Convention government. It is in an optimal position to ensure that the rights of children under the UNCRC are upheld. Thus, it has committed itself to protecting and ensuring children's rights and to hold itself accountable for this commitment before the international community.

3.4.1 The Constitution of the Republic of South Africa (1996)

The Constitution which is the highest law in South Africa is of utmost importance in this study. The Constitution of the Republic of South Africa is often heralded as a unique document in that it not only entrenches civil and political rights, but also socio-economic and cultural rights in the chapter containing the Bill of Rights. Basically, all the rights in the Constitution apply to children; however, it also contains a specific section which deals exclusively with the rights of children. These rights are embodied in section 28. These rights, as contained in the Constitution, have been translated into legal subjective rights in the Children's Act 38 of 2005 (Robinson, 2010:25); wherein, Act 108 of 1996, section 28(2) states the Best interests of the child is of paramount importance in every matter concerning the child. The South African government had signed and ratified the United Nation Convention of the Rights of the Child (UNCRC) and the African Charter on the Rights and welfare of the Child (ACRWC). As a result, inclusion of these rights basically reflects South Africa's commitment to developing a children's rights oriented culture and enshrines the principles of both the UNCRC and ACRWC in its domestic policies and legislations. Thus places section 28 of the Constitution, which exclusively deals with children's rights and which is part of the Bill of Rights in the Constitution as primarily important part of this study. That is, subsections 1(b) and (2). The first deals with family and parental care:

- (1) *Every child has the right - (b) to family care, parental care, or appropriate alternative care when removed from the family environment;*

and the second section stresses the child-centred approach by putting the Best interest of the child is a paramount important factor in any matter concerning the child:

- (2) *A child's interest is of paramount importance in every matter concerning the child.*

From the above two subsections of the South African Constitution (1994), it is evident that children are bearers of rights and it includes a right to parental care. These rights have been reinforced in the legislation, and especially in the Children's Act 38 of 2005.

3.4.2 The Children's Act 38 of 2005

The Children's Act No. 38 of 2005 is the result of many years of work by advocates for children's rights in government and civil society (Budlender, Williams, Saal, Sineke & Proudlock, 2011). The Act aims to give effect to a range of constitutional rights for children- particularly the rights to family care or alternative care, social services and protection from abuse and neglect. The South African Children's Act 38 of 2005 has fundamentally changed the policies of parent and child in general and the law pertaining to the acquisition of parental responsibilities and rights, in particular (Louw, 2004:52).

In the past, the rights of children did not receive the necessary attention in divorce cases, but under the Children's Act 38 of 2005, these rights must now be prioritised in parenting interventions. According to The Children's Act 38 of 2005, the following rights are of paramount importance, namely: (a) the child's rights to parental care; (b) the child's right to be protected; and (c) the child's right to legal representation; and overall, (d) the child's best interest should be prioritised. Therefore, it is obligatory that the professional must use these four points of section 28 of the Constitution to create a focal point on the rights of the child in drawing parental intervention (Robinson, 2010:132).

The Children's Act 38 of 2005 adopts a developmental approach that emphasises the state's role in the provision of social services to strengthen the capacity of families and communities to care for and protect children. Again, the Children's Act 38 of 2005 has done a lot to improve the environment for the protection of children (Louw, 2009:98). The South African judicial system has significantly improved in terms of promoting children's rights and processing children's issues (Situational analysis of children in South Africa, 2009:iv). The Children's Act 38 of 2005 gives effect to certain rights of the children as contained in the Constitution. Two specific sections of the Children's Act 38 of 2005 are of importance when considering the use of co-parenting, namely; section 7 (best interest of the child standard) and section 33 and 34 (contents and formalities with regard to parenting plans). It is evident that the act provides a strong legislative foundation for a developmental approach to child care and protection

3.4.2.1 South African perspective on the best interest of the child

According to the Constitution of the Republic of South Africa (1994), the best interests of the child are of paramount importance in every matter concerning the child. As the Constitution is the Supreme law in the Republic, the modern South African family law is characterised by this commitment to the welfare of the child. However, the Constitution does not regulate each aspect of family policy in detail and the greater body thereof is found in legislation and the

common law (Basson, 2004:6). Furthermore, this commitment to the promotion of the welfare of the child is not unique to modern South African law, but is an acknowledged principle of the common law and international child law as well (Basson, 2004:iv).

3.4.2.2 Factors to consider when determining the best interest of the child standard

Children's rights in South Africa form the basis for the interest of the child in all matters affecting the children.

According to Gould and Martindale (2009:33), Maya (2005) and Stahl (1995:25), the circumstances of each child in each family unit vary across a wide spectrum of factors; the best interest of child standard is invariably a relative concept. Authors contemplate that irrespective of facts and context of each case determining children's best interest, generally, the child's interests include his/her physical, economic, emotional, intellectual, cultural, spiritual, social, moral and religious well-being. More so, Robinson (2010:39) states that it is impossible to compile an exhaustive list of all the factors which must be considered when a court has to decide on a child's best interests.

3.4.2.2.1 The child's interest should be determined by the terms contained in the Children's Act. In South Africa, factors reflected in the *McCall vs McCall* add value when health workers determine the best interest of child standard. The *McCall vs McCall* criteria are frequently used in divorce disputes, although judges are not under obligation to take all the criteria. Barratt (2003:145) indicates that the *MacCall vs McCall* list serves as a guide.

The table below outlines the terms in section 7 of the Children's Act 38 of 2005 (7) and factors in the *McCall vs McCall* case of 1994(3) that points out unique features between the two.

Table 3.1: Factors to be considered when determining the best interest of the child

Factors in section 7 of the Children's Act 38 of 2005	Factors in the South African case of <i>McCall vs McCall</i> 1994(3) SA 201 (C)
The nature of the personal relationship between (i) the child and the parents, or any specific parent; and (ii) the child and any other care-giver or person relevant in those circumstances	The love, affection, and emotional ties that exist between parent and child, and the parent's compatibility with the child
The attitude of the parents, or any specific parent, towards the child; and (ii) the exercise of parental rights and responsibilities in respect of the child	The ability of the parent to communicate with the child, and the parent's insight into, understanding of, and sensitivity to the child's feelings. The capacity and disposition of the parent to give the child the guidance that s/he requires.
The capacity of the parents, or any specific parent, or any other caregiver or person, to provide for the needs of the child, including emotions and intellectual needs	The capabilities, character, and temperament of the parent and the impact thereof on the child's needs and desires. The ability of the parent to provide for the education, well-being and security of the child, both religious and secular
The likely effect on the child of any change in the child's circumstances, including the likely effect on the child of any separation from (i) both or either of the parents; or (ii) any brother or sister or other child; or (iii) any other care-giver or person with whom the child has been living	The desirability or otherwise of keeping of siblings together
The practical difficulty and expense of a child having contact with the parents, or any specific parent, and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with the parents, or any specific parent, on a regular basis.	The child's preference, if the court is satisfied that in the particular circumstances it should be taken into consideration
The need for the child (i) to remain in the care of his or her parent, family and extended family; and (ii) to maintain a connection with his/her family, extended family, culture or tradition.	The ability of the parent to provide for the child's emotional, psychological, cultural, and environmental development
The child's (i) age, maturity and stage of development; (ii) gender; (iii) background; and (iv) any other relevant characteristics of the child. The child's physical and emotional, social and cultural development	The stability or otherwise of the child's existing environment, having regard for the desirability of maintaining the status quo
The need for a child to be brought up within a stable family environment and, where this is not possible, in an environment resembling as closely as possible a caring family environment.	The mental and physical health and moral fitness of the parent
The need to protect the child from any physical or psychological harm that may be caused by (i) subjecting the child to maltreatment, abuse, neglect, exploitation or degradation or exposing	The ability of the parent to provide for the child's physical and material need and economic security.

Factors in section 7 of the Children's Act 38 of 2005	Factors in the South African case of <i>McCall vs McCall</i> 1994(3) SA 201 (C)
the child to violence or exploitation or other harmful behaviour; or (ii) exposing the child to maltreatment, abuse, degradation, ill-treatment, violence or harmful behaviour towards another person	
Any family violence involving the child or a family member of the child	The desirability or otherwise of applying the doctrine of same sex matching
Which action or decision would avoid or minimise further legal or administrative proceedings in relation to the child.	Any other factor that is relevant to the particular case with which the court is concerned.

The examples related to the case of *McCall vs McCall* above reflects the factors that need to be considered by social service providers when the best interest of child principle is being determined. According to Robinson (2010:42), the principles for the best interest of child standard, as contained in the newly enacted Children's Act 38 of 2005 and the *McCall vs McCall* criteria, do not always receive the necessary attention when parenting interventions are drafted. Robinson (2010) indicates that this is because the parents dominate the process and the child's interests are overlooked in the facilitated intervention. Hence, it is of paramount importance that the best interest of child standard is the focus for the professional when the process with the divorcing family is being facilitated and when intervention is drawn (Robinson, 2010: 42).

The following section explains the acquisition of responsibilities and parental rights.

3.5 ACQUISITION OF RESPONSIBILITIES AND PARENTAL RIGHTS

The choice of the term parental "responsibilities and rights", rather than parental "responsibility", "authority", "power" or "rights, duties and obligations", is deliberate and justified in terms of both the international trend and South Africa responds to this trend, evidenced by the terminology introduced by the new Children's Act 38 of 2005 (Louw, 2009:37). In this section, the phrase "acquisition of parental responsibilities and rights", refers to the initial automatic acquisition of legal parenthood at the birth of a child or the first acquisition of parental responsibilities and rights by a parent.

3.5.1 International commitment policies on responsibilities and parental rights internationally and in South Africa

According to Louw (2009:38), the UNCRC was probably the most important initiative to create a children rights' culture globally and to shift the emphasis from parental rights to parental "responsibilities". Furthermore, Louw (2009) indicate that it is clear from the wording of the Convention, and for that matter most of the international policies referred to, that "responsibility" or parental "responsibilities", mostly used in conjunction with "rights", is the preferred term to denote the legal relationship of parents' *vis-à-vis* their children. Reference can be made to:

- (a) *Article 5* of the UNCRC that compels state parties to respect the "*responsibilities, rights and duties of parents*";
- (b) *Article 18* of the same Convention obligates state parties to "... use their best efforts to ensure recognition of the principle that both parents have common *responsibilities* for the upbringing of the child" and that "[parents ... have the primary *responsibilities for the upbringing and development of the child*"; and
- (c) *Article (16)* of the UNCEDAW which directs states parties to take all appropriate measures to ensure that men and women have ... "the same *rights and responsibilities* as parents, irrespective of their marital status, in matters relating to their children", also "... the same *rights and responsibilities* with regard to guardianship, wardship, trusteeship and adoption of children";
- (d) the 1993 Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption in terms of which the recognition of an adoption includes the recognition of "... parental *responsibility* of the adoptive parents for the child", and
- (e) the redrafted 1996 Hague Convention, now fully entitled the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental *Responsibility* will be determined by the state in which the child is or becomes habitually resident.

Since the Children's Act 38 of 2005 has fundamentally empowered both children and parents in general, Louw (2009:47) indicates that the Children's Act now expressly defines "parental responsibilities and rights" as meaning the *responsibility and the right* in relation to the child. This means that parents have an obligation to meet their children's social, psychological, physical and economic needs.

Section 1(2) of the Children's Act 38 of 2005 clearly states that in addition to the meaning assigned to the terms "custody" and "access" in the common law, the terms "custody" and "access" in any policy must be constructed to also mean "care" and "contact" as defined in the Children's Act 38 of 2005.

The chosen structure for this study encompasses the initial automatic acquisition of parental responsibilities and rights by the biological parents of the child. This alludes to the fact that children are born with two parents. According to Louw (1999:52), at birth, all children enter into joint residence and remain in joint residence unless and until it is broken by court order (Louw, 2009:52). Eventually, both parents have full responsibility and privileges unless and until they are restricted by a court order (Joakimidis, 1993:21-23).

According to Kelly (2007), divorce rates began their sharp ascent in the 1960s. Divorce rates in South Africa are consistent with the international trends (Roman, 2011). Statistics South Africa (2010) indicates that 22 936 divorces from civil marriages were processed in 2010, while 170 826 civil marriages of South African citizens and permanent residents were registered. As a result of the divorces, 54% of this involved families with children below the age of 18 years. Greene, Hetherington, Forgatch, and DeGarmo (2003) indicate that 40% of children in the United States will experience a divorce of their parents. These statistics and research originating from all over the world highlights the great number of children affected by divorce in South Africa, as well as worldwide.

Parental responsibilities and rights in the present context thus include the right and responsibility of the parent to care for the child, to maintain contact with the child and to act as the child's guardian (Louw, 2009:50). Children of all age groups are affected by divorce in a way that creates unhappiness for the child (DeBord, 1997:1; McGraw, 2009:1; Walsh, 2003:103).

The following section explains parental responsibilities by both a mother and a father.

3.5.1.1 Acquisition of parental responsibilities and rights by mother of child

The acquisition of parental responsibilities and rights by a mother has traditionally been founded upon the common law principle that the mother is the woman who gives birth to the child (Basson, 2004). Section 19 of the new Children's Act 38 of 2005 now regulates this aspect:

"(1) the biological mother of a child, whether married or unmarried, has full parental responsibilities and rights in respect of the child.

- (3) If-
- (a) The biological mother of a child is an unmarried child who does not have guardianship in respect of the child; and
 - (b) The biological father of the child does not have a guardianship in respect of the child;
 - (c) The guardian of the child's biological mother is also a guardian of the child.

In regard to the above, it is evident that the biological mother of a child, whether married or unmarried, has full parental responsibilities and rights. However, if a biological mother is under 18 years, the guardian of the biological mother is also the guardian of the child. However, this study focuses on divorced parents with adolescents and not adolescents with children.

3.5.1.2 Acquisition of parental responsibilities and rights by father of child

The acquisition of parental responsibilities and rights by a father means that a man could in terms of the common law, acquire parental responsibilities and rights automatically only in one instance – if he was married to the mother of the child – either at conception or birth or anytime in between or after the birth of the child (Louw, 2009:97).

The best interest of the child are reflected and built in the criteria for the automatic acquisition of parental responsibility and rights. This means that the policy deems it to be the best interest of the child that its mother automatically assumes legal responsibility at birth and the biological father only assumes responsibilities and rights if he is married to the mother of his child. Now, confirmed by the provisions of the new Children's Act 38 of 2005, whether married or not, only *biological* fathers can automatically acquire parental responsibilities and rights in respect of their naturally conceived child or children (Louw 2009:98).

In terms of section 21 of the Children's Act 38 of 2005 "the biological father of a child has full parental responsibilities and rights in respect of the child "If he is married to the child's mother; or if he was married to the child's mother ..." This implies that fathers have parental responsibilities to their children both before and after their children are born.

The above stated distinctive sets of circumstances outline time as to when fathers acquire full parental rights and responsibilities. Regardless of whether the father has or not lived with the mother, he can also acquire rights if the following conditions are present:

- (i) He consents to be identified as the father or applies to the court to be recognised as the child's father or pays damages in terms of customary law;

- (ii) He contributes or has attempted to contribute in good faith to the child's upbringing for a reasonable period; and
- (iii) He contributes or has attempted to contribute in good faith to the expenses in connection with the maintenance of the child for a reasonable period.

From the conditions stipulated above, the Children's Act 38 of 2005 if there is a dispute as to whether any of these conditions exist then the matter must be referred for mediation to a family advocate, social worker, or social service professional. It is evident that both parents have rights and responsibilities towards their social well-being of their children.

The following section will entail a discussion on parent-child relationship regarding custody.

3.6 SOUTH AFRICAN PERSPECTIVE ON THE PARENT-CHILD RELATIONSHIP RELATING TO CUSTODY

The South African family law has changed dramatically over the last decade with regards to the rights of children and the rights and responsibilities of parents (Schäfer, 2007). In terms of child-parent relationships, the Children's Act 38 of 2005 reconfigures the building blocks of custody, access and guardianship which regulated parental relationships with children. Thus concepts of 'custody' and 'access' have been replaced with 'care' and 'contact' respectively.

3.6.1 Description of custody

For this study South African policies relating to custody and constitution are used as a point of departure regarding the perspective of the best interest of the child. This section will provide a perspective on the context of custody as a component of the parent-child relationship.

Custody is generally acknowledged as the incidence of parental power which invokes the greatest amount of post-divorce litigation. Custody relates to the actual physical "possession" of the child, that parent favoured by the custody order is seen to have won the right to have the child with him or her, while the losing non-custodian is excluded from the daily life of the child (Basson, 2004:122). Moreover, custody entails the day-to-day care and control over the person of the child. It includes the responsibility to provide the child with the necessities of life – food, clothing, shelter and medical care – as well as the ability to decide upon the child's education, religious upbringing and to control the child's association and social life. Furthermore, custody encompasses competencies such as the right to exact obedience from child and to exercise reasonable disciplinary powers over the child (Louw, 2009:100).

When a marriage is dissolved by divorce, the court is required to make an order concerning custody of the minor and dependent children. Thus, parties will often arrive at a settlement, submitted to court in a consent paper, settling out the custody arrangements.

3.6.2 Legal and historical background of child custody

In the duration of a marriage as a union, both parents usually have custody of the minor children born from that marriage, but when the parents separate or divorce, the court determines in terms of section 6(3) of the Divorce Act 70 of 1979, as to which parent will have custody of the minor children (Visser & Potgieter, 1998:167). A court granting a divorce, may in regard to the custody or guardianship of, or access to a minor child of the marriage, make an order which it may deem fit and may, if in its opinion it would be in the best interests of the minor, grant to either parent the sole guardianship or sole custody of the minor. According to section 6(1)(a) of the Divorce Act 70 of 1979 a decree of divorce shall not be granted until the court is satisfied that the provisions made or contemplated with regard to the welfare of any minor or dependent child of the marriage are satisfactory.

Over the past years the defining criterion of child custody determination has been based on radically different principles. The principle such that a man, the father had a rightful claim to the custody of his children as he did to his other property, prevailed for centuries (Basson, 2004:126). McWhinney (1995:298) indicates that the principle was finally superseded by the “tender years” doctrine, in which the development of the child was viewed as essentially and exclusively dependent on the emotional relationship between the mother and the child. As a result of this paternal custody was completely replaced by maternal custody by the 1960s, and the only hope a father had of obtaining custody was if maternal unfitness could be proved or if the mother was at fault in the divorce. Hence, the “tender years” presumptions were however eliminated from statutory law after it was realised that custody decisions should be based on the child’s best interest. In South Africa, it was only after the decision in *Fletcher (1948) 1 SA 130 (A)* that it was clarified that the best interest of the children concerned should be paramount in issues of custody awards. As a result, this more child-oriented approach is now applied in South Africa in making custody decisions. For clarity purpose, the different custody options will be explained in brief.

3.6.2.1 Custody options

A number of custody options are determined before parties arrived at amicable interventions. The following section presents examples of different options that divorced parents can agree on with the intervention of a social worker.

Sole custody is the most prevalent custody option, and refers to a situation where custody is awarded to one parent who maintains both physical and legal custody of minor children involved. According to Basson (2004:127), sole custody is not an ideal solution because it creates a win-lose situation. The author states further to say regardless of the fact that sole custody order is usually coupled with an order for access in favour of the non-custodian; it often happens that the non-custodian finds it too upsetting to be faced with his or her loss every time he or she visits the children and such visitations are often discontinued. As a result, the child then loses one of his or her parents and this may exacerbate feelings of abandonment and insecurity in the child.

Divided custody is a custody order which is actually a sole custody order where one parent has the child with him or her permanently and the other parent has certain rights of access. It differs from sole custody order in that children are split or divided between parents. For instance, the boys and older children might be in the father's custody while the girls and younger ones are in the custody of their mother (Basson, 2004:128).

Split custody apportions the children between the parents with each having sole custody of one or more of the children. Hahlo (1985:392) adds to this by saying that it may even be possible that the interest of the child will be best served by giving the custody first to the mother and later to the father. According to Arenstein (1989:47), the advantage of this type of custody is that it appears to benefit the parents while the difficulties affect the children.

Joint custody empowers the parents to retain equal legal rights, authority and responsibility for the care and control of their children, much as in intact family. Controversy that exists regarding this custody arrangement is that some clinicians according to Luepnitz (1982:150) see it as an excuse for parents to stay married and to triangulate children in their love-hate dance, but other believes that it can cure a host of divorce related ills.

From the modern perception that family can withstand the break-down of the marriage, a new form of custody order, an order for joint custody has evolved (Basson, 2004:132). When divorcing parents are joint custodians both retain an active involvement in the child's life, either through joint decision-making or through substantial amounts of time which the child spends with both parents. This includes children alternatively move between two homes on a determined schedule, with the undermining idea that the child should spend both weekdays and nights with each parent.

Paternal custody. Feminists and father's rights groups promoted gender-neutral standards for custody decisions since 1970s (Louw, 2009:96). The message conveyed to policymakers

now, was that the fathers were on balance interchangeable with mothers. This message supported both gender-neutral custody standards and primary caretaker preference, since it claims that fathers could fulfil this role as well as mothers. According to Masson (1994:172-172), social sciences theories were used not only to pave the way for more custody awards to fathers but also for awards of joint custody. The Bill of Rights does not permit unfair discrimination on the basis of gender. As a result, this plays a major role in changing the maternal preference principle in South African courts during divorce. In this regard, Wessel (2000:17) refers to the decision in *Van der Linde vs Van der Linde case 1996 3 SA 509 (0)* where she says the Court laudably sheds its rigid assumptions on parenthood, stating that the ability to “mother” was not a biological characteristic belonging only to women but that it was also part of the male “persona”. Even though there are these developments, South African family policies are slow to change, and therefore many people still believe that parenting means “mothering”. Hetherington and Stanley-Hagan (in Lamb, 1997:205) explain that only 14% of divorcing fathers are awarded sole custody of their children, and many fathers who would like sole or joint custody of their children, choose not to pursue it, because they believe that the children will benefit more from remaining in their mother’s care.

Access: Every custody order has important implications for the access between the non-custodian parent and the child. According to section 28(1)(b) of the Constitution, every child has the right to family and parental care, or suitable alternatives if the child is taken from the family environment. Thus upon the break-up of the family home, if a child is placed in the custody of one parent, provision should be made for the possibility of contact between the non-custodian parent and the child. The non-custodian has the right to access. However, access is more and more often approached from the child’s point of view (Basson, 2004:134).

In the above regards, one can say there is a paradigm shift or pendulum swift towards men wanting to share responsibilities in raising their kids after divorce. The following section will discuss parents’ motivation for seeking custody.

3.6.3 Parents’ motivation for seeking custody

In pursuit of custody, both parents have different motivations. Froneman (1992:132) regards parents’ motivation to have custody of the child as one of the most important factor or criteria to be considered in a custody evaluation. Van der Merwe (1990:13) refers to Mussetto who identified five basic reasons for parents opposing each other for custody. Mussetto bases the findings not on empirical research but on his experience as a family therapist. Namely;

- Parents may seek custody out of genuine concern for their children, but this concern can be coupled with other some other motives.
- Revenge originating out of anger towards a spouse is a powerful motive.
- By filing a divorce and fighting over the children's custody some people attempt to hold together a shaky relationship, or to get a passive spouse re-involved, because arguing over the children is perceived to be better than the complete isolation from the spouse.
- Some people may see a custody award as proof of personal adequacy, and they may seek it to fulfil a personal need more than to meet a commitment towards the child.
- A parent may also try to obtain custody so that the child can fulfil his or her own emotional needs.
- For many mothers a custody award is important in order to avoid the stigma that would attach to them if they did not get custody (Van Zyl, 1997:66).

When considering the motivations of parents, Davies (1994:132) found that the fathers in her study sought custody both because of spousal difficulties and incapacities as well as for asserting their rights to continue parenthood. Whereas Mason (1994:129) states that some fathers may have no real desire for custody but threatened mothers with the possible loss of custody in order to secure advantage in property division, spousal support and child support. She does indicate that there are fathers who want custody in order to have more time with their children. Authors (Robinson, 1993:89, 100; Bosman-Swanepoel, Fick & Strydom, 1998:83; Van Zyl, 1997:66) agree that there can be custody battles that have little to do with the best interests of the children, but are much more about revenge of parent's needs. It is therefore evident from the above findings that custody evaluations can pose significant challenges to social workers when working with divorced parents and guidelines must be used.

3.6.4 Custody process and evaluation

Venter, Van der Berg, Van der Merwe and Rensburg (1995:106) indicate that although child custody determinations are arrived at amicably with or without legal and mental health professional intervention, many become bitter disputes and these can be among the most traumatic events in family life. According to Stahl (1999: xi), this may explain why child custody decisions were influenced by so many developments and changes, and it emphasises the complexity of custody issue which has increased over the years. This is not only because the

issues are so important to the parties involved, but also because decisions are seldom clear-cut and Stahl argues that there is no rational basis for preferring one parent to another, explains Elster (1989:124).

Hoffmann (1989:107) indicates that custody evaluation comprises an in depth study and assessment of the structure and functioning of the family made by a social worker. Furthermore, it is written up in the form of an evaluative report which is then submitted to the family advocate. According to Galatzer-Levy and Kraus (1999:226), the goal of every custody evaluation is to recommend a caretaking environment that has a reasonable chance of fostering healthy development. Galatzer et al. (1999:76) explains that parents caught up in the emotional turmoil of divorce often have diminished parenting capacities and cannot provide adequately for the needs of their children. Subsequently, evaluators tend to focus more on parent's rights than on the developmental needs of these children, warns (Stahl, 1994:31; Mason, 1994:173). Stahl (1994:31) emphasises that it is of vital paramount for the evaluator to take the needs of children of divorce into account in order to assess the parents' capacity for meeting their children's needs and also so that a suitable parenting plan can be drawn. Therefore, parenting plan will be pursued in the following section.

3.6.5 The parent-child relationship

According to Basson (2004:112), the parent-child relationship is largely governed by rules of policies in common law combined with the legislative changes that have been made from time to time. Traditionally the common law focused on the rights of the parents and their moral obligation to care for their children. Hence, there is a shift in emphasis, from the common law focus on the rights of the parents, to the responsibilities of the parents which become much stronger than moral obligations when combined with the new recognition for the rights of the child (Basson, 2004:113). Parent-child relationships may change significantly from pre-divorce to post divorce because of new realities caused by the divorce events, notes (Basson, 2003:89). Therefore, parents who are awarded joint custody are more likely to have empathy, flexibility, and the abilities to maintain appropriate boundaries, separate their own needs from their children's needs, and shift from the spousal role to the co-parental role (Pruett & Hoganbruen, 1998). Therefore, co-operative co-parents are more likely to pursue and accept joint custody arrangements. Children's positive adjustment within joint custody arrangements may be due to their parents' inherent willingness to co-parent cooperatively (Twaite & Luchow, 1996). This revelation has led some to argue that joint custody only be awarded to parents who can cooperatively co-parent (Twaite & Luchow, 1996). Since interparental conflict mediates the relationship between custody arrangements and child adjustment, joint custody may be less helpful for high-conflict families (Twaite & Luchow, 1996).

Along with more stringent child support enforcement and increased joint custody arrangements, legislation has incorporated the psychological literature on divorce and child adjustment by directly crediting cooperative co-parenting as being in the best interest of the child (Twaite & Luchow, 1996).

3.6.5.1 *The non-resident parent*

The renegotiated and redefined individual relationship and “boundaries of intimacy” between each parent and the child after a divorce are significant (Emery, 1994:49). Hetherington (2003) indicates that the central difficulty that children must cope with in a divorce is the exit of one parent from the family system. According to Risch, Jodi and Eccles (2004), in most cases, the non-resident parent is the father. Thus, 80 to 85% of divorce cases involve maternal custody (Kelly, 2007). In general, contact with the father becomes irregular, infrequent or is lost completely (Emery, 1999) and fathers may feel cut-off, helpless and disconnected from their children (Emery, 1994). According to Emery (1999), if the non-resident parent is the mother, she is seen to maintain more contact with children than non-resident fathers. Again, research findings on the influence of continued contact with the non-resident parent are inconsistent.

Research found no link between contact with the non-resident father and benefits for the child’s post-divorce adjustment, besides monetary support (Amato & Gilbreth, 1999). Amato’s (1993) meta-analysis of the literature indicated substantial support for the hypothesis that the increased frequency of contact with the non-custodial parent was positively associated with the child’s well-being. However, this increased frequency of contact is only beneficial if there is a low level of post-divorce conflict between parents (Amato, 1993). Amato, Gilbreth and Kelly (2007) later clarified that quality is actually more essential than the quantity or frequency of the contact with the non-custodian parent. Whereas, Leon (2003) argues that continued contact with the non-resident parent has benefits for the child and an improved father-child relationship, depending on the frequency of the transitions involved in the maintained involvement, as disruption in routines can negatively impact on child outcomes. Hence unclear or inconsistent boundaries in the non-resident parent-child relationship can prolong the grief of the separation, therefore visitation schedules should remain consistent and predictable (Emery, 1994). Barber (1994) found out in her study that paternal visitation that is stable and frequent is regarded by adolescents as providing more satisfying support, leading to lower levels of depression.

3.6.5.2 *The resident parent*

As stated previously, custody is primarily awarded to the mother (Kelly, 2007). According to Amato (1993), Wallerstein and Lewis (2004), parenting deteriorates immediately following the divorce event, as preoccupation with changes and stress impairs childrearing skills, leading to inconsistency and haphazard discipline techniques and fewer rules. Amato (1993) further indicates that deteriorating parenting occurs particularly with single mothers who feel anxious, depressed, and lonely due to low social support from extended family members and the community. As a result, psychologically distressed and preoccupied mothers become insensitive, impatient and less responsive, and give less consistent discipline (Sigelman & Rider, 2006). In his longitudinal study, Hetherington (2003) found that although mother's parenting may deteriorates initially following divorce, parenting does become more consistent and nurturing after two years.

Much of the conflict between ex-spouses, leading to children's psychological maladjustment post-divorce, stems from finances and financial support for the children (Emery, 1994). Amato (1993) concurs that as a result of parental separation; single mother-headed households often suffer financially, leading to fewer resources being available for the children in terms of education, health, nutrition, books and toys. According to MacKinnon, Brody and Stoneman (1982), divorced working mothers are also seen to provide less cognitive and social stimulation in comparison to non-working divorced mothers. However, increased economic self-sufficiency for women in recent years has made single mothers less financially dependent on their ex-spouses and more able to look after their family alone (Greene, Anderson, Hetherington, Forgatch & DeGarmo, 2003). Contrary, Peters and Ehrenberg (2008) argue that if there is increased parent contact and cooperation where the mother is seen to encourage and not marginalise the father's involvement, then there is an associated improved perception of effective fathering post-divorce.

3.7 PARENTING PLANS

The literature on divorce testifies to great difficulty of co-parenting following divorce (Amato, 2000; Grych, Fincham, Jouriles & McDonald, 2000). Therefore, optimal co-parenting, regarded as the ideal of successful divorce, is based on and manifested by parents' involvement in their children's lives (Cohen, Dattner & Luxenburg, 1996). According to Engelbrecht and Rencken-Wentzel (1999:90), the organisation of family life and the division of responsibility in the reconstructed family can be described in a document called a parenting plan.

3.7.1 Parenting plan as a method of assistance for divorced parents

With amendments made to the Children's Act 38 of 2005 that makes provision for parenting plans, legal and mental health professionals have been bestowed the responsibilities to structure plans for divorcing families in South Africa (Robinson, 2010:24). The Children's Act 38 of 2005 offers parenting plans as a method to assist parents with how to exercise their parental responsibilities and rights after separation or divorce. Parenting plans are a relatively new concept in South Africa, but are already popular in countries such as the United States and Australia, and in certain European countries (Kehily, 2004:165). A parenting plan sets out how parents will exercise their respective responsibilities and rights.

Section 33 of The Children's Act 38 of 2005 makes explicit provision regarding parenting plans which read thus:

- (1) *The co-holders of parental rights and responsibilities in respect of a child may agree on a parenting plan determining the exercise of their respective rights and responsibilities in respect of the child.*
- (2) *If the co-holders of parental rights and responsibilities in respect of a child are experiencing difficulties in exercising their rights and responsibilities, those persons, before seeking intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective rights and responsibilities in respect of the child.*
- (3) *A parenting plan may determine any matter in connection with parental rights and responsibilities, and must be in terms of a prescribed form including the following issues:*
 - (a) *Where and with whom the child is to leave; (b) the maintenance of the child; (c) contact between the child and (i) any of the parties, and (ii) any other persons; and (d) the schooling and religious upbringing of the child.*
 - (b) *A parenting plan must comply with the best interests of the child principle as set out in section 7.*
- (4) *In preparing a parenting plan as contemplated in subsection (2) the parties must seek-*
 - (a) *The assistance of a family advocate, social worker or psychologist; or*
 - (b) *Mediation through a social worker or other suitably qualified person*

It is evident from the above that divorced parents, policymakers, and legal or mental health professionals working in the family court system must share a common goal: to choose and to promote the most beneficial parenting plan for children whose parents are separating.

3.7.2 Purpose of parenting plan

Parenting plans are not just drawn. The general content of these plans are needed for professionals as guidelines. The purpose of a parenting plan is threefold:

- i. To, as far as possible, express the underlying principle of the Act, which is to ensure that the best interest of the minor children are secured and to make provision for meeting their needs;
- ii. To stipulate clearly and protect each parent's responsibilities and rights with regard to minor child(ren);
- iii. To ensure the continued involvement of a particular parent or other person with the minor child(ren) after the parents' divorce or after the separation of unmarried parents.

These purposes are reached by both parents following a mediation process with a qualified mediator (in terms of the Children's Act no 38 of 2005) who facilitates the process and draws up the parenting plan. This person may be a family advocate, psychologist, social worker or other suitably qualified person.

3.7.3 Legal prescriptions/overview regarding parenting plans

The policy prescriptions include that the parenting plan:

- Should be in writing and signed by both parties to the agreement as well as the mediator who drew up the agreement;
- May be registered with the Family Advocate or made an order of court;
- Should be accompanied by a statement from a family advocate, social worker, psychologist or other suitably qualified person to the effect that the agreement was prepared after consultation with such person;
- Should contain a provision that the parents, as co-holders of parental responsibilities and rights, may revise the parenting plan at a future date. Both parties have to agree in writing to the changes(s), and, if the parenting plan was previously made an order of court, an application may be brought to court in order to make amendment(s) to the agreement order of court.

The Children's Act 38 of 2005 stipulates that due consideration should be given to the views expressed by a minor child in matters concerning him or her, including major decisions with regard to the child, bearing in mind the age of the child's age, maturity and stage development. Taking these factors into consideration, the mediator will consider the child's participation in the mediation process, as well as informing the child of relevant information contained in the parenting plan. The following section will explain the advantages of a parenting plan.

3.7.4 Advantages of a parenting plan for divorced parents

According to Arendell (1996), the limited research on shared parenting after divorce indicates that it is most workable and likely to be maintained when the parents voluntarily establish the arrangement, not when it is dictated by courts. Whereas Green (2013) indicates that a positive co-parenting relationship begins with a parenting plan, which includes a well-defined schedule, mechanisms for addressing major decisions, and an agreement concerning financial responsibilities. The following are advantages to be considered pertaining parenting plans:

- One of the most important indicators of the general welfare of a child after his or her parents' divorce or separation is the level of conflict that may be present or persist. During the mediation process, both parents are given the opportunity to *accustom themselves with the post-separation/divorce period* while considering the best interests of the child(ren). This can significantly limit future conflict regarding the child(ren), and the accompanying negative emotions that such conflict evokes.
- An objective third party with the necessary expertise regarding children's developmental needs assists parents to explore co-parenting issues and *to participate in compiling a parenting plan* that provides for the child(ren)'s needs as well as a day to day schedule
- The mediation process creates an opportunity for parents to *reaffirm their parenting and to redefine their future roles* as co-parents but no longer as spouses or a couple.
- A parenting plan gives a *structure to the ongoing involvement of both parents* with child(ren) and impresses on the child(ren) and others the commitment of both parents to the child(ren)'s welfare-despite the fact that one of the parents may in future spend more time with the child(ren) on a daily basis.
- A flexible agreement that makes provision for mutually agreed revisions offers a concrete *record of decisions* taken jointly by the parents in the best interest of the minor child(ren) and facilitates collaborative co-parenting.

- A parenting plan precludes one parent from making changes to the plan unilaterally. It also stipulates what *procedures should be* followed to deal with future differences without necessarily approaching the court.
- When the parents deviate from the parenting plan and a dispute arises as a result of the deviation, the parenting plan agreement will *form the basis for action* until such time as the dispute is solved.
- The mediation process, while not psycho-therapy, may *provide therapeutic benefits* to all parties to the divorce/separation.

It is evident from the above advantages of parenting plans that those plans must conform to certain formalities. Thus, a parenting plan must be in writing, it must be signed by the parties to the agreement, and it may be registered with a family advocate or made an order of the court (Robinson, 2010:45). Furthermore a parenting plan must be a prescribed format and contain prescribed particulars. Therefore, parents must seek the assistance of a family advocate, social worker or psychologist; or mediation through a social worker or other suitably qualified person when a parenting plan is prepared. If parents are in conflict, they must first seek to agree on a parenting plan before they seek the intervention of a court. Whilst a parenting plan may determine any matter regarding parental rights and responsibilities including the upbringing of the child, the contents of parenting plans should reflect the best interest of the child standard.

Consequently, a parenting plan registered with a family advocate may be amended or terminated by the family advocate on application by the parents. Hence a parenting plan that was made an order of the court may be amended or terminated only by an order of the court on application by the parents who are parties to the plan; by the child, acting with leave of the court; or in the child's interest (Robinson, 2010). Therefore it is advisable that it becomes imperative that a well-structured and professionally designed parenting plan must be drafted by competent, well-informed and appropriate qualified professionals.

Research suggests that the best and perhaps only way to achieve true continuity of family relationships is through the medium of joint residence which aims to preserve the child's perception of both mother and father as an integral part of his or her life, a positive role model, and a continuing and consistent source of love, security, respect, discipline and exposure to a varied range of life experiences (Roman & Haddad, 1978; Coller, 1988; Farrell, 2001). Therefore, parent-child relationship is vital to be looked at during custody evaluations. The following section will explain the parent-child relationship.

3.8 CONCLUSION

This chapter provided a discussion on international, regional policies' perspective and national legislation on the use of co-parenting for adolescents with divorced parents. The researcher found that the policies imply that a marriage may be dissolved by a divorce but the essence of the relationship between the parents and children remains unchanged. Thus, the parent-child relationship is continuous and it must survive the breakdown of the relationship between parents that is inherent to separation and divorce. However, due to the impracticality of the child's continuing to live with both parents as it did during the marriage, the court is obliged to make an order regarding the future of the child. Therefore, it is imperative that any decision reached must be based on the best interest of the child.

Children need loving and dedicated parents who can meet their needs and promote their emotional, cognitive, and physical growth and development. They can only stand to benefit when both parents are capable and committed to rearing them. The international, regional and national principles that the child has to continue to maintain a strong relationship with both parents even if divorced or separated has become more and more a recognized right. As a result, the views of social workers on the use of co-parenting for adolescents with divorced parents will be explored in further detail through the means of an empirical study and semi-structured interviews.

CHAPTER 4

EMPIRICAL INVESTIGATION OF THE VIEWS OF SOCIAL WORKERS ON THE USE OF PARENTING PLANS FOR ADOLESCENTS WITH DIVORCED PARENTS

4.1 INTRODUCTION

This chapter aims to meet objective three of the research, as established in chapter one. In doing so, the views of social workers on the use of parenting plans for adolescents of divorced parents will be discussed based on the findings of the empirical study. Chapter one presented the problem statement, the aim and objective of the study as well as the research method that was employed in the collection of data for this study. Chapter two focused on exploring relevant literature of the theoretical perspective on psycho-social needs of adolescents of divorced parents. The chapter presented the human developmental theories; psycho-social development and crisis during adolescence, the base of psychological well-being and adolescent's experience of parental divorce.

Chapter three discussed the use of parenting plans for adolescents of divorced parents from the rights-based approach. The chapter discussed the global policies on children's rights, regional policies, national policies and legislation, acquisition of parental rights and responsibilities, South African perspective on custody post-divorce and parenting plans.

Chapter four will therefore build upon the base of chapter one, two and three and present the findings of the research as well as discussions on the implications of these findings based on existing literature. The chapter will thus address the third objective of the study which is to investigate the views of social work service providers on the use of parenting plans for adolescents of divorce. The chapter will give an overview of the research design and methodology, present findings related to the profile of the participant through the utilisation of tables and figures, as well as interpretations of narratives provided by participants. Reference to the literature study as provided in chapters two and three, and discussions regarding correlation with the presented data, will also be provided towards appropriate deductions regarding the identified themes, sub-themes and related categories.

SECTION A: RESEARCH METHOD

The following section will discuss the research methodology used in this study. Moreover, the research approach, research design, tools used, pilot study, sampling and data analysis process will be discussed.

4.2 PREPARATION FOR THE INVESTIGATION

4.2.1 Pilot study

A pilot study, as a means of a trial run, was conducted whereby the data collection method was implemented with a smaller group of participants, in order to test the established method and ensure that it is both efficient and effective. According to De Vos et al. (2012:73), the pilot study is “a dress rehearsal for the main investigation”. The purpose of this exercise was to ascertain whether the questions were clear and easily understood. By conducting a pilot study, the researcher is made aware of shortcomings so that amendments could be made to the research instrument (Bless, Higson-Smith & Kagee, 2006:184). In this study, a purposive selection of three respondents was utilised to test the data collection instrument and necessary changes which were identified during the interviews were then implemented accordingly, thus ensuring a valid and effective study.

4.2.2 Research sample

The research sample was made of 17 social workers, two youth workers and one marriage counsellor. All participants had some experience in working with adolescents of divorced parents. This coincided with the views of De Vos et al. (2005:201), who state that a purposive sample is composed of elements that contain the most characteristic and representative attributes of the population. Various social work contexts and organisations were utilized - social workers from governments departments, NGOs, and NPOs. All participants were able to reflect on their experiences in their own words and from their own perspectives.

The criteria for inclusion within the sample group were as follows:

1. Participants must be registered, practicing social work professionals within the Vhembe district municipality
2. Participants must be qualified social service providers either within the magistrate courts or within NPOs/NGOs with some experience of working with divorced parents seeking help in drawing up a parental plan.

4.2.3 Research approach, design and instrument

This study employs the use of a qualitative approach and data was used to analyse the discourse and narratives of participants, with excerpts according to different themes, sub-themes and categories (De Vos, Alasuutair, Bickman & Brannen, 2008:15). Both exploratory and descriptive research designs were used.

The instrument for data collection was a semi-structured interview schedule, used during interviews with social service providers. A set of pre-determined questions were established, in accordance with the presented research problem, aims and objectives of the study. The interview was not strictly dictated by the interview schedule, but was rather guided by the overall structure of the interview, according to the outline provided by De Vos et al. (2012:351-352). Appropriate climate-setting techniques were successfully implemented in order to ensure that the participants were comfortable and able to share freely during the interview (De Vos et al., 2011:353). In this study, some interviews were conducted in the organisations and some in the departmental offices. Hence, findings were recorded with permission of participants.

4.2.4 Data gathering and analysis

In this section, the data obtained through the study will be presented through qualitative analysis. The information provided by the twenty participants who participated in the study will be organised within the biographical information of participants, training in and knowledge of policies and legislations regarding child care, needs of adolescents, and support to adolescents, attitude and knowledge of divorce procedures, parent-child relationship, social work intervention, custody and parenting plans. These themes were established based on semi-structured interview schedule and the resultant data as presented by participants will then be discussed according to the pre-dominant themes and categories which were identified and the existing relationship between the data and that of the literature study presented in the previous two chapters will also be discussed.

Data analysis refers to the process whereby order, structure and meaning are brought about to the data which has been collected (De Vos et al., 2012). Marshall and Rossman (1995:113) highlight the necessary steps involved in the data analysis process which were utilized in this study, towards ensuring an effective structure, organisation and understanding of the data collected through the interviews. As a result, findings were transcribed. These necessary steps involved that of data transcribed by means of being aware of the existing content, and from this understanding generating relevant categories, themes and patterns. The third step in the

data analysis process involved the act of linking patterns, providing appropriate explanations for such patterns or themes, as well as searching for possible alternatives.

In sum, the data will now be presented in this chapter. The data on the profile of the participants is presented through the means of tables and figures, while the qualitative data will be discussed according to the established categories and themes, and the use of direct participants' discourse. According to De Vos et al. (2012:402), the results, of a study, must be verified against the literature presented in the literature study, and must be further embedded in larger perspectives/paradigms.

SECTION B: BIOGRAPHICAL INFORMATION OF PARTICIPANTS

In this section, the biographical information of the participants will be discussed according to the semi-structured interview schedule.

4.3 BIOGRAPHICAL INFORMATION OF PARTICIPANTS

A set of questions on the semi-structured interview schedule were asked of each participants during the interview. The biographical information of participants will be presented in terms of the profile of the respondent, professional position that a social worker hold, their years of experience, their highest academic qualification and the average caseload per months.

4.3.1 Professional position in organisation

Participants in the study operated at various positions within their organisations, these positions have been displayed in figure 4.1 below.

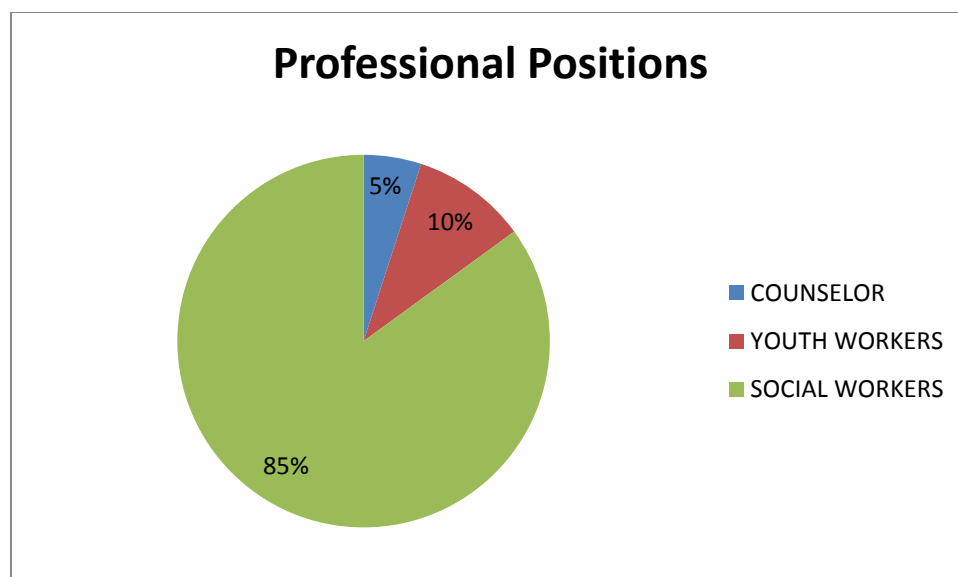


Figure 4.1: Professional Position**N=20**

Within the study, the seventeen participants (85%) were field workers within their various areas of service delivery; hence they worked with divorced parents regarding drafting of a parenting plan. Two youth workers (10%) and one counsellor (5%) participated in the study. Amongst the seventeen social workers; one participant (5%) indicated their position as being casework managers.

4.3.2 Profile of the participants

Participants were asked to state their highest qualifications they have achieved. This was vital for the understanding of the participants interviewed for their field of expertise. Table 4.1 below summarises the profile of the participants involved in this study.

Table 4.1: Profile of the participants

Participant Number	Qualifications	Number of years in the field
1	Masters in Social work	6
2	Bachelor of Social work	6
3	Bachelor of Social work	6
4	Bachelor of Social work	6
5	Bachelor of Social work	5
6	Bachelor of Social work	9
7	Bachelor of Social work	9
8	Bachelor of Social work	9
9	Bachelor of Social work	9
10	Bachelor of Social work	5
11	Bachelor of Social work	8
12	Bachelor of Social work	8
13	Bachelor of Social work	8
14	Bachelor of Social work	5
15	Other (Bachelor of Social science)	5
16	Other (Bachelor of Social science)	10
17	Bachelor of Social work	10
18	Bachelor of Social work	10
19	Bachelor of Social work	10
20	Diploma in Marriage Counselling	11

N=20**4.3.3 Years of experience**

Participants were asked to give an indication of the number of years of experience that they had regarding working as a social service provider. The resultant data is given below in the form of Table 4.2.

Table: 4.2: Years of experience

Years of service as registered social worker	Professional category							
	Social worker		Youth care Worker		Counsellor		TOTAL	
	f	%	f	%	f	%	f	%
0-3	0	0	0	0	0	0	0	0
4-7	6	30	2	10	0	0	8	40
8-11	11	55	0	0	1	5	12	60
12-15	0	0	0	0	0	0	0	0
16-19	0	0	0	0	0	0	0	0
20-22	0	0	0	0	0	0	0	0
Total	17	85	2	10	1	5	20	100

N=20

Table 4.2 indicates that when analysing the findings, the average participant, in terms of years of experience, is within the eight to eleven year category; however, based on the total value in terms of the years of experience, and taking into consideration the number of participants, the mean value is at 16.3 years. Two (10%) participants have five years' experience and have been working as youth workers. Two (10%) participants have five years' experience as social workers and the other four (20%) has experience of six years. Eleven (55%) has experience of eight to eleven years. One (5%) has eleven years of experience and works as a counsellor. As a result, twelve (60%) participants have experience of twelve years.

4.3.4 Core business

The participants of the study were asked to give an indication of their core business at the various organisations within which they were rendering professional services. The information they provided has been organised in table 4.3 below.

Table 4.3: Core business of service providers

Core business	f	%
Health services	20	100%
Welfare services	20	100%
Education	20	100%
Law enforcement	17	90%
Youth work	2	10%
Other : Community work	20	100%

***Participants could give more than one answer**

N=20

Table 4.3 indicate the scope of service rendered by the participants and gives an indication of the knowledge and expertise base of services providers who participated in the study. In accordance to Nicholas et al. (2010:49) social workers deliver services to client systems of different sizes and work at different levels of intervention to promote human welfare in the society.

4.3.5 Average caseload per months

The social service providers who participated in the study were asked to give an indication of their average caseload per months. Figure 4.2 below gives an indication of the average caseload.

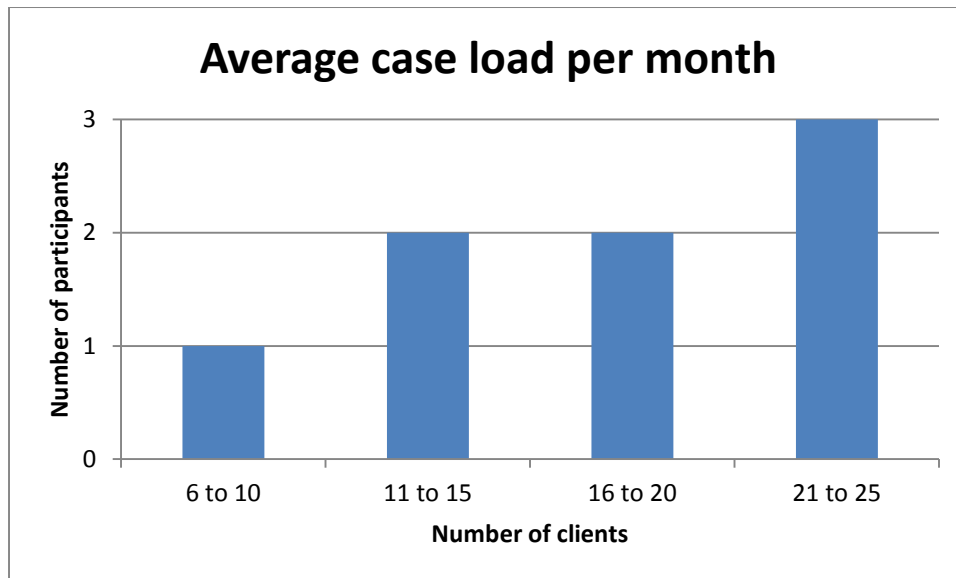


Figure 4.2: Average caseload per months

N=20

Figure 4.2 shows that twelve participants (60%) were seeing 20-25 clients per months. Two participants (10%) worked for a non-profit organisation (NPO) and thus worked with 10-15 clients per month. Only one participant (5%) indicated that their caseload was within the category of 6-10 clients per month. The predominant category was that of 20-25 clients per month, with twelve participants (60%) indicating their caseload to be in this specified area. This matched up with the fact that the median average, in terms of the caseload quantity of the participants participating in the study, was 22.5 clients.

4.3.6 Client caseload of divorced parents seeking assistance of a parenting plan

Participants were requested to give an estimate of their monthly caseload that involved divorced clients who presented seek assistance with a parenting plan.

Out of the pool of twenty participants ($n=20$), one participant (5%) indicated that she has ten to twelve clients per month that seek assistant in drawing of a parenting plan. Two participants (20%) indicated that they can have twenty clients per month who require assistance in drawing up of a parenting plan. Ten participants (50%) indicated that they can have twenty clients per months who seek assistance in drafting of a parenting plan. Seven participants (35%) indicated that they have more than fifteen cases per months that involve divorcing parents requesting assistance with drawing of a parenting plan.

It is evident from the findings that social service providers are confronted with a challenge of drawing a parenting plan for divorcing parents.

SECTION C: EXPOSITION OF EMPIRICAL FINDINGS

4.4 PRESENTATION OF FINDINGS OF THE STUDY

This section of the chapter will involve an exposition of the various themes, sub-themes and categories which were identified through the data collected in the semi-structured interviews. Each theme will be broken down into respective sub-themes. These sub-themes will then be analysed according to identified categories; the categories of such themes will then be presented by means of a table, whereby the frequency of participant indication of this category, as well as representation of respondents' narratives will be presented. Following this, the categories will be analysed using participant dialogue, tables and figures, as well as relevant literature and deductions of the researcher. Hence, key words which indicate key findings will be made bold, in order to allow the reader to recognise that which the researcher has highlighted as key patterns Bless and Higson-Smith (2004:104).

All themes, sub-themes and categories are represented by the use of a table; this is identified as being vital in the exposition of empirical findings within a study.

SECTION D: THEMES, SUB-THEMES AND CATEGORIES

Ten themes were identified based on the findings of the study, which were then broken down into related sub-themes and categories according to the data provided by the participants. The identified themes, sub-themes and categories will be presented in the form of tables with narratives from participants. After each table the excerpts will be analysed and interpreted with a relevant literature control.

4.5 THEME 1: TRAINING REGARDING PARENTING PLANS

The theme of equipment of training to draw up parenting plan will be discussed according to four sub-themes which were identified, in terms of undergraduate training, postgraduate training, in-service training and further training and knowledge development.

4.5.1 Undergraduate training

Participants were asked to give an indication of the nature of their undergraduate training, in terms of child's care pertaining to the scope of theoretical and practical knowledge provided within their undergraduate curriculum. The categories which emerged within this sub-theme were as a result of predominant data patterns highlighting inadequate training received by participants, for increased training of undergraduate students in parenting plan. These

categories are outlined in table 4.5 below, with an indication of the frequency within the various category patterns, and representative participants' narratives and a comparison with relevant literature.

Table 4.4: Undergraduate training: Some training but Inadequate and insufficient training

THEME: TRAINING REGARDING PARENTING PLANS				
Sub-theme	Category	f	%	Narratives
Undergraduate training	Some training but inadequate at the undergraduate level	17	85%	<p><i>"My undergraduate wasn't adequate to an extent that I was not confident that I could work in the court setting. I didn't feel like I had the guts to work and draw a parenting plan."</i> (Participant A)</p> <p><i>"I wasn't trained enough in the child's care, honestly speaking. But with courses such as Sociology, psychology, communication yes it was adequately done in terms of theory."</i> (Participant F)</p>
	Insufficient training	3	15%	<p><i>"There is a huge gap right now for undergraduate to be trained in Child's care especially, parenting plan ..."</i> (Participant C)</p> <p><i>"I was not equipped so well at the varsity in terms of drawing parenting plans. But with other subjects such as Psychology and others, it was fine. When you get into the field, it is not a head-on experience but hands-on."</i> (Participant G)</p>

N=20

4.5.1.1 Some training but inadequate at the undergraduate level

Table 4.4 reflects the training of participants at the undergraduate level, it was found that some participants had received training but **insufficient** to can handle the drafting/**drawing** of a parenting plan when they go into the workplace. Thus seventeen (85%) participants indicated that they had received **some training but not adequate training** to can handle the drawing of a parenting plan as an intervention.

The need for an understanding of, and training in drawing parenting plans within the social work profession is expressed in The Forensic Speciality Council (2007:1) and Swerdlow-Freed (2010:1) explain that anyone who works in the field of divorce needs training in child development, family assessment, problems of divorce, the function of the court, and the

specific ethical issues related to this work. Literature (Forensic Speciality Council, 2007:1; Stahl, 1999:153) point out that there are limited programmes that are specifically designed to train evaluators for demanding and difficult work. However, the South African situation has improved over the years but there are still limited courses and aids focusing on divorce-related intervention, especially training pertaining to parenting plans, lament Robinson (2010).

4.5.1.2 Insufficient training

Table 4.4 indicates that within the pool of twenty participants, three participants (15%) indicated that they had **received total insufficient training** in social work intervention regarding the drawing of a parenting plan for the divorcing family of adolescents.

It is evident from the narratives that in both categories, participants felt that the training they had received in drawing of parenting plans, within undergraduate level was insufficient to equip them to work within the field of child's care.

The idea that social workers do not receive sufficient training regarding policies and legislation regarding the drawing of a parenting plan is acknowledged by Robinson (2010: 52), who states that a parenting plan is a fairly new and challenging concept for professionals practicing in South Africa. And not all professionals have necessarily received thorough training in the area of facilitating the intervention process with a divorcing family and with drafting child-centred parenting plans. She further indicates that all the professionals working with parenting plans need to be informed regarding all aspects with which families are confronted in a divorce. As a result, this will assist them to draft high-quality plans when they are restructuring such plans, or to facilitate mediation with the family.

It is evident, from the findings above, that parenting plans are not necessarily regarded as a priority area within undergraduate social work training and this result in graduate social workers being ill-equipped in this field.

4.5.2 Postgraduate training

Participants were asked to discuss any postgraduate training that they had received after their graduation as social work professionals, and whether this training had been based on policies and legislations underpinning child's care specific in any way.

4.5.2.1 Inadequate training

Within the pool of twenty participants (n=20), only five participants received postgraduate training with regard to legislation and policies related to child care as evident from the following:

*"I completed my **masters' degree** last year."* (Participant G)

*"I have just completed some **post graduate** diplomas, but not in child's care issues."* (Participant L)

It can be deduced, based on the findings above, that postgraduate training, though considered to be significant within the social work profession as indicated by the participants who pursued their studies and those who express the desire to do so; the desire in terms of participants' capacity and will to study further is not always available for the practising social work provider.

4.5.3 In-service training in legislation and policies underpinning the rights of both divorced parents and children

Participants were asked about the other training they have received. Table 4.5 presents their responses to in-service training they were involved in.

Table 4.5: In-service training: Nature of in-service training

THEME: TRAINING REGARDING PARENTING PLANS				
Sub-theme	Category	f	%	Narratives
In-service training	Nature of in service training	19	95%	<p><i>"Most of the service providers who are NGO, they provide in-trainings in different areas, particularly child abuse, family preservation, domestic violence and so on... we go under some trainings at three times a week or a whole week and it is a necessity."</i> (Participant S)</p> <p><i>"Social workers go for in-service training for various topics. I received the parenting skill training not so long."</i> (Participant C)</p>

N=20

4.5.3.1 Nature of in-service training

Table 4.5 shows that the majority of participants received in-service training after graduating as a social work professionals. Participants indicated that they have been involved in in-service training offered by NGOs. The in-service training that they had received within the

departments/institutions/organisations in which they deliver social work services covered various areas and topics such as domestic violence.

Whereas, **in-service training** within social work field is recognized as being a key means through which social work professionals are provided with the necessary knowledge and skills to improve overall agency performance and service rendering within their organisations, and is thus considered to be an important factor in **continued professional development and growth** (Hepworth, Rooney, Rooney, Strom-Gottfried & Larsen 2006; Johnson & Yanca, 2007; Nicholas et al., 2010).

Through the analysis of the data above, it can be deduced that while undergraduate training in child care is **inadequate**, and post graduate studies is poorly pursued, in-service training is implemented and effectively equipping practical social workers within various fields of services delivery. However, thus do not include the drafting/drawing and implementation of a parenting plan within the field of child's care.

4.5.4 Continuous Professional Development (CPD)

Training for professional development was mentioned as another form of training received by the participants. Table 4.6 presents participants' responses.

Table 4.6: Continuous Professional Development

THEME: TRAINING REGARDING PARENTING PLAN				
Sub-theme	Category	f	%	Narratives
Continuous Professional Development	Need for personal development	8	40%	<p><i>"Besides the fact that social workers are receiving in-service training, your own personal growth is vital."</i> (Participant S)</p> <p><i>"You must grow yourself professionally and academically. When we are employed, government must stress personal growth in some way or another. (Participant T)</i></p>

N=20

4.5.4.1 Need for personal development

Table 4.6 indicates the importance of taking charge of one's own development and growth as a professional through personal empowerment. Eight participants (40%) recognized and emphasised the fact that personal professional development was necessary. Furthermore, the eight participants (40%) indicated that social workers cannot remain efficient with the

knowledge received long time ago and expect to be competent in 2015. Participants emphasised that they must always remain competent in their field.

SECTION E: NEEDS OF ADOLESCENTS OF DIVORCED PARENTS

In this section, the need of adolescents of divorced parents will be explored in terms of looking at child care services, reflecting on the predominant psycho-social needs and adolescent response to parental divorce according to the established sub-themes and categories.

4.6 THEME 2: PREDOMINANT PSYCHO-SOCIAL NEEDS OF ADOLESCENTS OF DIVORCED PARENTS

Participants were asked to share their opinions regarding the predominant psycho-social needs of adolescents of divorced parents. The resultant sub-themes which emerged will be discussed in different tables below.

Jenberg and Booth (1999:343-350) provide a very useful framework on the needs of children and what these needs require of parents.

These four dimensions or pillars as the predominant psychosocial needs required to be met with the assistance of parents. A discussion of the four dimensions or pillars will be presented as the four sub-themes on the predominant psycho-social needs as discussed below with example of participants' narratives.

4.6.1 The need for safety and security

The table below presents the need for safety and security of adolescents of divorced parents.

Table 4.7: The need for safety and security

THEME: PREDOMINANT PSYCHOSOCIAL NEEDS OF ADOLESCENTS OF DIVORCED PARENTS			
SUB-THEME	f	%	Narratives
Safety needs	20	100%	<p><i>“Children, especially adolescents want to be safe in a sense that they don’t want to be alone from their parents though it’s a period of seeking autonomy. Naturally they want their parents to assure them that they are well looked after.” (Participant H)</i></p> <p><i>Though adolescents want some independence, they need a sense of security from their parents” (Participant D)</i></p> <p><i>“Adolescents want to be assured that they are safe even if their parents are divorcing.” (Participant F)</i></p>

N=20

Table 4.7 indicates that all the 20 participants (100%) felt that adolescents of divorce parents need to feel **safe** even when their parents are divorcing or divorced. All of the 20 (100%) participants indicated that adolescents want to be assured that whatever they are experiencing in relation to their parents who are divorcing; they are safe with both parents.

Smith (2003:73) stresses that the need for security is a basic need because adolescents need to feel safe before they develop higher needs such as the need for belonging, a purpose and identity. This ‘theraplay pillar’ is referred to as ‘structure’ (Jemberg & Booth, 1999:17-18) and the parent need to give the adolescent the message “you are **safe** with me because I will take good care of you”. This need is met when parents provide adolescents with clear expectations, boundaries and rules. Thus, parents need to be trustworthy, predictable and should try to assist the adolescent to define and clarify their experience. It is also important that adolescents feel trusted by their parents (Damico, 1997:132-133; Smith 2003:23-40), in this way the need for mutual trust in the parent-child relationship can be fulfilled. When adolescents think about security, they often stress the need for stability, consistency, reliability and dependability (Smith, 2003:77).

4.6.2 Need for nurturance

The table below presents the need for nurturance for adolescents of divorced parents.

Table 4.8: The need for nurturance

THEME: PREDOMINANT PSYCHOSOCIAL NEEDS OF ADOLESCENTS OF DIVORCE			
SUB-THEME	f	%	Narratives
The need for nurturance (Love and belongingness)	20	100%	<p><i>“Parents have to show that they love their children. Adolescents need to experience love from their parents first before they are told that they are loved by somebody else.” (Participant K)</i></p> <p><i>“Children, especially adolescents, they need unconditional love throughout this stage, otherwise they will get it out.” (Participant G)</i></p>

N=20

Table 4.8 shows that all of the twenty participants (100%) in this study indicated that adolescents need **nurturance**. According to Jemberg and Booth (1999:349) adolescents are often self-conscious about receiving nurture, but they are especially needy of it. The parent needs to behave in such a way that the adolescent receives the message, “you are loved and I will respond to your needs for care, affection, and praise” (Jemberg & Booth, 1999:19). This means that adolescents need to know that they have unconditional love and acceptance from their parents. Smith (2003:47-72) refers to this need as a ‘cry for love’ and acceptance from their parents and stresses that parents need to find ways to communicating this love to their adolescents. Therefore, different people have different ‘love languages’ or ways in which they communicate and receive love, making it important for parents to identify the primary ‘love language’ of their adolescent children (Chapman, 1995:163-170; Ezzo & Bucknam, 2000:143-150). The love languages amongst others are: words of affirmation and encouragement; quality time - showing love by spending time focusing on them and interacting closely with them. While parent needs to employ all these love languages in their dealings with children, finding and using their child’s primary love language can ensure that their adolescent feels loved. While nurturing is a pillar which may come naturally to mothers, fathers are the child’s link with the world outside the home and they need to ensure that the adolescent learns to feel confident and capable of making their mark in life. They thus need to ensure that the ‘challenge pillar’ is strong in their homes. The phenomenon of the ‘absent father’ can have detrimental effects on the lives of children, especially adolescents.

It is evident from the findings that adolescents are in a stage where they can ‘break it’ or ‘make it’. Therefore, parents play a significant role in the development of their adolescent child.

4.6.3 The need for engagement

The table below presents the need for engagement for adolescents of divorced parents.

Table 4.9: The need for engagement

THEME: PREDOMINANT PSYCHOSOCIAL NEEDS OF ADOLESCENTS OF DIVORCE			
SUB-THEME	f	%	Narratives
The need for engagement	20	100%	<p><i>“When parents divorces, they disengage themselves from their children. They think like their adolescents are grownups.” (Participant E)</i></p> <p><i>“During the process of divorce and even after by the way, parents seem to be disconnected from their children. Thy think their adolescents are adults like them.” (Participant I)</i></p>

N=20

Table 4.9 shows that all the twenty participants (100%) indicated that adolescents need their parents to **involve** them in whatever their parents are doing or going through. It is important for parents to interact or engage with adolescents (Jemberg & Booth, 1999:18-19, 347-349). When parents do this, the adolescents receive the message, “you are fun to be with. You can interact in appropriate ways with others. You can be close to others.” In order to promote engagement, parents need to provide excitement, motivation and stimulation. This could be a little hard for parents who are going through divorce because they concentrate on their needs more than their children’s needs. Thus means that parents needs to spend time with their adolescent children, not just interacting during daily activities (like taking them to school), but also having fun with them (like playing games with them). Adolescents need to feel connected to their parents and this seems to be a challenge in modern society, where parents are often disconnected from their community and even from their own children and spouses (Smith, 2003:168). Adolescents need to be heard and this means that parents need to foster healthy communication in their home (Smith, 2003:131).

From the above findings, it can be deduced that adolescents need to be included when parents make major decisions that will have an impact in their lives, especially transition like a parental divorce.

4.6.4 The need for purpose

The table below presents the need for a purpose for adolescents of divorced parents.

Table 4.10: The need for a purpose

THEME: PREDOMINANT PSYCHOSOCIAL NEEDS OF ADOLESCENTS OF DIVORCE			
SUB-THEME	f	%	Narratives
The need for a purpose	20	100%	<p><i>“Divorcing parents like any parent have an obligation to encourage and guide their children to be independent persons.”</i> (Participant M)</p> <p><i>“Adolescents need parental guidance in order for them to make informed decisions in their lives. Remember; they are not yet matured enough to stand on their own. So, parents must see to it that they help their children in whatever they do.”</i> (Participant L)</p>

N=20

Table 4.10 shows that all of the twenty participants (100%) expressed their views that naturally adolescents need the need for a challenge or purpose. According to Jemberg and Booth (1999:17-20), the challenge pillar in a healthy parent-child relationship gives the child the message, “you are capable of growing and making a positive impact on the world.” Parents encourage the adolescent to **move** ahead, **strive** a little and become increasingly independent. Adolescents are thus **helped**, by their parents, to accept **challenges**, to have realistic self-expectations and to have confidence in their ability to learn and achieve success. The passive adolescent with low self-esteem benefits from being challenged to attempt activities, especially fun activities where parents provide a supportive and an encouraging atmosphere. Smith (2003:129) refers to this need as the adolescent’s “cry for purpose”. As a result, when it comes to purpose, parents often do not know how to give direction and guidance to their adolescents, and adolescents often seem unable to ask for guidance or are perhaps even unaware that they may require some help. Adolescents who do not have a sense of purpose or meaning are more likely to abuse alcohol and drugs in an attempt to ‘escape’ or cope with what seems to be a meaningless existence.

This need for purpose and meaning spurs adolescents on to achieve the life tasks of adolescence. By fulfilling these tasks, adolescents are helped to achieve a strong **sense of identity** and to become **independent** and **valuable** members of society. It can thus be seen that by meeting the psychosocial needs of their children, parents go a long way toward achieving their role as parents even if divorced or separated.

This is supported by the Constitution of South Africa (2004) that has emphasised the need to protect children (Anderson & Phillips, 2006). By furthering understanding of an adolescent’s psychological experiences of loss of parents because of parental divorce, and the

psychological effect accompanied by this life crisis, social work professions working with adolescents of divorce could be provided with skill and information to promote healthy 'bereavement' and facilitating resilience against poor adjustment.

According to the findings provided above, and the views of the participants, it is evident that there is a need for divorced parents to consider the predominant psycho-social needs of their adolescents as it is crucial for their **development** during this stage of their life.

4.7 THEME 3: ADOLESCENT RESPONSE TO PARENTAL DIVORCE

In exploring the needs of adolescents, the theme of adolescents' response to parental divorce emerged.

4.7.1 Emotional response

The participants of the study were asked for their views regarding adolescents' response to parental divorce. Emotional responses emerged as a sub-theme.

Table 4.11 presents the participants findings based on anger as an emotional response.

Table 4.11: Emotional response: Anger

THEME: ADOLESCENTS RESPONSE TO PARENTAL DIVORCE				
Sub-theme	Category	f	%	Narratives
Emotional response	Anger	20	100%	<p>"Adolescents become very angry when they discover that their parents are divorcing. Most of them "bottle" it first and as time goes on you will see their bad behaviour" (Participant F)</p> <p>"You talk to them, they are very anxious about how the whole divorce is going to affect them at school or in the community." (Participant B)</p>

N=20

Table 4.11 shows that 20 participants (100%) had indicated that adolescents can overtly exhibit a sense of anger when their parents' divorce. Authors (Schmidtgall, King, Zarski and Cooper, 2000) caution that there is no formula for determining the outcome of divorce for any particular child. Thus, within a divorcing family, there is considerable variation in the outcome achieved by siblings.

According to McGraw (2009:1) and Walsh (2003:103), children of all age groups are affected by divorce in a way that creates unhappiness for the child. Children experience the intense

desire to feel happy and to not experience overwhelming negative feelings post-divorce. Hence, adolescents experience an overwhelming feeling of unhappiness and may experience **anger**, fear, loneliness, depression and guilt. Burns and Dunlop (2000) found that parental divorce in early adolescence is a significant risk factor for depression. Adolescents are relatively inexperienced in coping with these kinds of stressors.

4.7.2 Embarrassment

Embarrassment emerged as another emotional reaction experienced by adolescents of divorced parents as can be seen from the table below.

Table 4.12: Emotional response: Embarrassment

THEME: ADOLESCENTS RESPONSE TO PARENTAL DIVORCE				
Sub-theme	Category	f	%	Narratives
Emotional response	Embarrassment	20	100%	<p>“... remember that adolescents are experiencing their own crisis of not understanding what is happening with their bodies, they become very embarrassed about their parents’ divorce and more about the changes taking place because their parents are not there to explain, both the divorce and their children development taking place.” (Participant C)</p> <p>“When we are asked to tell children about their parents’ divorce, unlike young children, adolescents becomes very embarrassed of their parents’ divorce. They relate this to failure of some kind you know.” (Participant M)</p>

N=20

Table 4.12 shows that all the twenty participants (100%) indicate that adolescents become embarrassed of their parents’ divorce. Wallerstein and Blakeslee (1990) claim that many people are surprised at the extreme reactions adolescents show in response to parental separation. It seems as though much of society assumes that teenagers are told enough to understand and accommodate what is happening around them. People don’t realise how frightening and **embarrassing** divorce is to young people. Thus, the collapse of a household is especially **embarrassing** and **upsetting** for adolescents because they have a strong **need** for family structure to help them set a limit on their own sexual or aggressive impulses. Teenagers are also terrified that they will repeat their parents’ failures (Wallerstein & Kelly, 1990:284). Stern Peck (in Everett, 1989:92) holds a view that it is a parent and not a child who

leaves the nest. When the need for a secure 'home base' is threatened, the typical adolescent reaction is anger and embarrassment.

4.7.3 Self-blame

Self-blame emerged as another emotional reaction experienced by adolescents of divorced parents as can be seen from the table below.

Table 4.13: Emotional response: Self-blame

THEME: ADOLESCENTS RESPONSE TO PARENTAL DIVORCE				
Sub-theme	Category	f	%	Narratives
Emotional response	Self-blame	20	100%	<p><i>"Children feel that their parents are abandoning them. They become very confused and if told, especially teenagers, they blame one parent over the other or they blame themselves that they have failed their parents one way or the other."</i> (Participant G)</p> <p><i>"When children are told about their parents' divorce, they think they have done something wrong, you know. It's like they blame themselves and at the same time feeling guilty."</i> (Participant A)</p>

N=20

Table 4.13 indicates that all of the twenty participants (100%) interviewed concur that adolescents blame themselves for their parents' divorce. Unlike bereavement or natural disaster, divorce is entirely man or woman made and represents a voluntary decision for at least one of the marital partners. The children are aware that the cause of the divorce is the decision of one or both parents and that it's true cause is the unwillingness or failure to maintain the marriage. Research indicates that children and adolescents do not believe in no-fault divorce (Furstenberg, 1994; Palosaari, 1995). They may **blame one** or **either parents**, or they **may blame themselves**.

As indicated in chapter two, most research concerning the consequences of divorce has focused on younger children. Yet adolescence may be one of the neediest age groups because the divorce experience interacts with the complex developmental tasks that adolescents must cope with (Basson, 2003). Wallerstein, Lewis and Blakeslee (2000) point out that the consequences of parental divorce gathers strength during late adolescence when fears arise that their own adult relationships will fail and when they are often financially barred from choosing careers. The predominant feelings of children long after the divorce as they

look backward are restrained sadness, remaining resentment at their parents and a sense of having missed out on the experience of growing up in an intact family (Basson, 2003).

It can thus be deduced from the narratives above that with the increasing prevalence of South African adolescents experiencing parental divorce, many of these adolescents could be suffering from anger and self-blame, unless they receive effective support from their parents.

SECTION F: SUPPORT TO ADOLESCENTS OF DIVORCED PARENTS

4.8 THEME 4: SUPPORT TO ADOLESCENTS OF DIVORCED PARENTS

During interviews participants were asked to share their opinion regarding the support given to adolescents by their parents in the process of parental divorce. The findings are discussed in table 4.14 below:

Table 4.14: Divorced parents' attitude

THEME: SUPPORT OF DIVORCED PARENTS TO CHILDREN				
Sub-theme	Category	f	%	Narratives
Divorced parents' attitude	Insufficient support	20	100%	<p><i>"Parents don't seem to know that their children need them most even when they are divorcing. It's a natural process."</i> (Participant G)</p> <p><i>"When parents are busy with their divorce, they ignore the needs of their children because it seems like it's them that need to be understood by their kids and visa versa you know."</i> (Participant I)</p>

N=20

4.8.1 Insufficient support

All of the twenty participants (100%) indicate a strong view that adolescents of divorce require support from their parents even if their parents are divorcing/divorced. Participants indicated that adolescents receive **insufficient support** from their divorcing/divorced parents.

The question of whether both parents are able to provide support has been much researched. Luepnitz (1982) investigated a sample of college students whose parents had divorced before subjects were sixteen years old. The subjects were placed in three groups according to what phase of the divorce process they felt was most stressful. The participants who reported that they experienced **no stress** had free access and felt **supported** by both parents.

Wallerstein (1984) agrees with the idea of divorce as a process, and describes divorce as an extended process of family relationships, characterised by multiple stages. She describes the first stage of divorce as the acute phase - the period of time surrounding the marital break-up and its immediate effects. This period usually represents the unhappy period in the lives of all family members. At this time, both parents often behave in uncharacteristic ways-many are overwhelmed with **anger** and feelings of **abandonment**. During this phase there is often an **undermining** of the **parental function**. This author calls this phenomenon “the diminished capacity to parenting”. There is a decreased awareness of the child’s needs, a reduced sensitivity to their feelings, less consistent discipline and a general confusion in household routines (Basson, 2003:75).

In addition, Wallerstein and Blakeslee (1989), and Walczak and Burns (1984) indicate that during the first phase divorced parents focus initially on their **own problems** which results in a weakened capacity to parent and less support being given than need. This phase is characterised by the development of power struggles such as non-custodial fathers using the threat of support payments and custodial parents using the right of visitation in their struggle with each other (Brown, 1989).

Wallerstein and Blakeslee (1990:284) caution that adolescents may feel rejected by their parents, who are generally so caught up with their own problems at time that they have little time for their children. The authors aptly sum up their feelings with regards to adolescents reactions to parental divorce and the importance of parental support. They state that teenagers may also grow acutely anxious as they see the vulnerability of their parents. Therefore, children of divorce are **dependent** on adults help to understand what is happening in the family, to master the new, complex relationships during the post-divorce period, to mourn the losses associated with divorce, to master anxiety, to overcome guilt and to undertake all the psychological tasks that divorce entails.

Walczak and Burns (1984) in their in-depth retrospective study of 100 children from divorced homes found that few children received support from parents even though most expected it. They concluded that many children would have been helped and felt less confused, lonely, angry, and damaged had they received support, particularly from parents, during the critical period in their lives.

Research indicates that, particularly in the initial stages of divorce, parents are less able to parent constructively and provide support for their children. For this reason it is necessary for other members to step in, provide support and thereby bridge the gap (Braude, 2004:62).

SECTION G: ATTITUDE AND KNOWLEDGE OF DIVORCE PROCEDURE

In this section, attitude and knowledge will be explored in terms of looking at the knowledge that parents have regarding divorce procedures.

4.9 THEME 5: ATTITUDE AND KNOWLEDGE OF DIVORCE PROCEDURES

Participants were asked to share their opinions regarding parents' attitude and knowledge regarding divorces procedures. The following sub-theme emerged: parents' mindset and attitude in the process of the implementation of divorce process.

4.9.1 Parents mind-set and attitude in the process of the implementation of divorce process

In exploring the theme of attitude and knowledge of divorce procedure, the divorced parents' mindset was explored and two sub-themes of total dependence on legal system and lack of knowledge regarding divorce procedure emerged. The findings will be presented in the next two sections.

4.9.1.1 Total dependence on legal system

The findings are presented in table 4.15 below:

Table 4.15: Attitude and knowledge of divorce procedure: total dependence on legal system

THEME: ATTITUDE AND KNOWLEDGE OF DIVORCE PROCEDURE				
Sub-theme	Category	f	%	Narratives
Mindset of parents	Total dependence/reliance on legal system	17	85%	<p><i>To me divorcing parents seem to lack knowledge of divorce procedure and as a result, they depend on their legal representative for information.</i>" (Participant D).</p> <p><i>"Divorcing parents trust their lawyers for everything concerning their divorce. They lean on them too much."</i> (Participant C)</p>

N=20

Table 4.15 shows that within the pool of twenty participants who were interviewed within the study, seventeen (85%) indicated that divorcing parents rely too much on their **lawyers**. Participants based their views on the fact that they have first-hand experience in dealing with divorcing parents.

According to Parker (2004:45), when people experience a life stressor they move from a stage of appraisal and during this time they judge how serious the stressor is, and whether it will lead to harm or be a challenge. Secondly, they look at what resources they have to help them. Among the resources that people have to cope successfully are feelings of relatedness, competence, self-direction and self-esteem. In contrast, a stressor can be accompanied by a sense of jeopardy, and this interferes with the individual's problem-solving ability. As a result, level of self-esteem, competence, relatedness and self-direction start to drop (Payne, 2005:151).

Turkat (2002) indicates that separating parents, who are unable to resolve their conflict place enormous burdens on the court and adversarial systems, limit the effectiveness of primary dispute resolution strategies, and contribute to poor outcomes for children (Christophersen & Mortweet, 2003; Garber, 2004; O'Connor & Dvorak, 2002). Furthermore, after parents locked into adversarial system, they can find it difficult to transform themselves into cooperative participants of a court-ordered, shared parenting contract (Turkat, 2002). Research indicates that parenting processes (e.g., discipline, monitoring, positive attention and involvement, and problem-solving) are at risk of deterioration in divorcing families (Anderson, Lindner & Bennion, 1992; Brody, Neubaum & Forehand, 1988; Capaldi & Patterson, 1991; DeGarmo, Forgatch & Martinez, 1999; Peterson & Zill, 1986; Vuchinich, Vuchinich; Wood, 1993).

Contrary, Robinson (2010:82) indicates that legal professionals experience the majority of the parents that seeks legal counsel to be volatile and unreasonable. The parents are very much focused on their own needs and often have lost focus of the children's best interest. They are focused on winning their case against their ex-partner even though the expressed goal might be to structure a parenting plan through mediation. Hence, divorcing parents in general are experienced to be confrontational, negative, self-seeking, bad-tempered and confrontational.

Sullivan (2009) notes that the maladaptive patterns and interparental conflict are further exacerbated by the stresses and occasional trauma of the separation itself, which propels parents into the legal-adversarial system to create their parenting plan. The author warns that, an adversarial system that emphasizes individual pathology, parental deficits, blame, even sabotage of one's co-parent, and multiple rounds of adjudication leave parents' emotional and financial resources depleted and co-parenting conflict entrenched.

4.9.1.2 Lack of knowledge of divorce procedure

The findings are presented in table 4.16 below:

Table 4.16: Attitude and knowledge of divorce procedures: Lack of knowledge of divorce procedures

THEME: ATTITUDE AND KNOWLEDGE OF DIVORCE PROCEDURE				
Sub-theme	category	F	%	Narratives
Mindset of parents	Lack of knowledge regarding divorce processes	20	100%	<p><i>"Divorcing parents seem to lack information regarding their rights and responsibilities when they are in the process of divorce or even before the start of the process."</i> (Participant O)</p> <p><i>"The way that parents whether divorced or not lack information regarding litigation, mediation and child maintenance, they make their children suffer. Especially women since they are the ones' given primary custody of their children. They lack knowledge about these things."</i> (Participant E)</p>

N=20

Table 4.16 shows that all the twenty participants (100%) strongly expressed their views that parents lack knowledge regarding the divorce procedures. These findings indicate that parents lack knowledge regarding the rights and responsibilities in the process of divorce. This includes issues such as litigation, mediation and child maintenance. As a consequence, children suffer.

Studies have shown that social work is a professional activity of helping individuals, groups or communities to enhance and restore their capacity for social functioning and to create societal conditions favourable to their goals (National Association for Social Workers, 2014:4-5). The goals of social work are thus to enhance social functioning of individuals, groups or communities. In order to enhance social functioning human needs must be met; this is achieved if essential resources and opportunities are available (Hepworth & Larsen, 1986).

During mediation process, it is found to be important that professionals motivate the family members **to read** or **watch** educational material on the process of divorce and what to expect of the process of compiling a parenting plan. Lyster (2007:29) and Neuman (1998:14) stress these guidelines and suggest that in a divorce process it is important that the family in question are knowledgeable about the divorce process, their rights and implications of the decisions that they might make. Knowledgeable parents and children can assist the professional who is working with the family, as they know their rights and responsibilities, and therefore have much more realistic expectations.

It is evident from the findings above; parents get into the process of divorce with little knowledge of the divorce procedures. It can be deduced from the narratives of participant that divorcing parents must be equipped with information regarding their rights and responsibilities. This will enable them to make informed decision regarding their child welfare.

4.9.1.3 Services offered by social and legal providers

The findings are presented in table 4.17 below.

Table 4.17: Attitude and knowledge of divorce procedure: Services offered by social and legal providers

Theme: ATTITUDE AND KNOWLEDGE OF DIVORCE PROCEDURE				
Sub-theme	Category	f	%	Narratives
Mindset of parents	Services offered by social and legal providers	20	100%	<p><i>"I can attest that most of the divorcing parents do not know about social, psychological or legal services that are available to assist before and during the divorce process."</i> (Participant J).</p> <p><i>"I don't know, it seems like divorcing parents know not of social and legal services are available that before divorce process they can consult regarding their children, I mean issue like drafting of parenting plans. People are blank about that."</i> (Participant T)</p>

N=20

Table 4.17 indicates that all the twenty participants (100%) attest that divorcing parents are not well **acquainted** with the social and legal service providers that can assist them regarding the drawing of a parenting plan.

According to the various researchers (Glanz et al., 2008; Jammer & Stockols, 2000), strategies which serve to bring change focused on the changing of an individual's knowledge, their attitudes, behaviour and skill set.

It can be deduced that participants are very sure and confident that divorcing parents lack knowledge of the social and health services that are available in order for them to utilise. The researcher can consider this lack of knowledge as a hindrance regarding the implementation of divorce process.

SECTION H: PARENT-CHILD RELATIONSHIP POST DIVORCE

The concept parent-child relationship post-divorce will be discussed in this section of the chapter.

4.10 THEME 6: PARENT-CHILD RELATIONSHIP POST DIVORCE

In this section, parent-child relationship post-divorce will be discussed. The established sub-themes and categories will be presented in tables.

4.10.1 Nature of parent-child relationship post-divorce

Participants were asked to share their opinion regarding the parent-child relationship post-divorce. In exploring the theme of parent-child relationship, one sub-theme and two categories as the pattern of the findings emerged. The findings will be discussed as the key focus of this section.

4.10.1.1 Relationship with mother

The findings are presented in table 4.18 below:

Table 4.18: Parent-child relationship post-divorce: Parent-child relationship with mother

THEME 6: PARENT-CHILD RELATIONSHIP POST-DIVORCE				
Sub-theme	Categories	f	%	Narratives
Nature of parent-child relationship	Relationship with mother	14	70%	<p><i>"Normally, children have a good relationship with their mother since she is the one staying with them."</i> (Participant T)</p> <p><i>"It is very satisfying that you see kids being happy with their mother."</i> (Participant G)</p> <p><i>"Children are at ease with their mother rather than their father, but it depends on what the father does ..."</i> (Participant J).</p>

N=20

Fourteen participants (70%) share their views in relation to the relationship the adolescent has with the resident/custodian parent. These participants noted that children of divorced parents who stay with their mother seemed to have a good relationship and they are **happy** with the arrangement.

Jones (2011:2) indicates that parenting in the first year following divorce is marked by increased irritability and coercion, diminished communication, affection, consistency, control and supervision, and a decrease in positive parent-child interactions. Moreover, inconsistency discipline and harsh parenting can precipitate coercion in the parent-child relationship, a significant contributor to the development of children's antisocial behaviour (Jones, 2011:2).

Basson (2003) indicates that parent-child relationships may change significantly from pre-divorce to post divorce because of new realities caused by the divorce events. Tasker (1996)

emphasises several changes that occur in the parent-child relationship as a consequence of divorce. The early adolescent may either be propelled forward into early adolescence or may develop true empathic responsiveness and increased responsibility, or may form an alignment with one parent against the other and thus lessen age appropriate distance between parent and child. Some mothers become overly permissive and emotionally dependent on their children because of guilt, depression and the absence of a supportive partner (Dreman, 2000). This may occur at a time when children, especially early adolescent children, need consistency, parental limit setting and support in order to protect their sense of security (Basson, 2003).

The situation with regards to parental custody was addressed when on 1st July 2007 the new Children's Act No 38 of 2005 was brought into effect. This was created to re-evaluate and improve on the minor children's rights in this country according to the Constitution. In doing so it re-assessed the roles of the parents and all matters regarding the care, protection and wellbeing of a child so that the minor children's best interests were of paramount and utmost importance compared to those of parents.

4.10.1.2 Relationship with father

The findings are presented in table 4.19 below:

Table 4.19: Parent-child relationship post-divorce: Relationship with father

THEME: PARENT-CHILD RELATIONSHIP POST-DIVORCE				
Sub-theme	category	f	%	Narratives
Nature of parent-child relationship	Relationship with father	15	75%	<p><i>"It seems like fathers don't care about their children after divorce."</i> (Participant L)</p> <p><i>"When fathers don't care about their children, it is the reflection of how they feel even before divorce."</i> (Participant C)</p>

N=20

Amongst the pool of twenty participants, fifteen (75%) indicate that fathers seem not to have a problem for not having a relationship with their children. They indicated that it is basically the way they relate to their children even before the divorce. Participants indicated that non-resident parent who is the father in most cases has an unpleasant relationship with the children.

Kelly (2003) indicates that a common result from stress in families post-divorce is the possible neglect of parenting. Consequently, there is also the possibility of a “spillover hypothesis”, which refers to the possibility that the negative relationship between the parents may “spillover” and affects the parent’s relationship with the child (Erel & Burman, 1995). Researchers, Wallerstein and Kelly (1980) found that the relationship between the child and the non-custodial parent, usually the **father**, played a significant role in contributing to the good adjustment of the child. Specifically, a good father-child relationship was linked to a high self-esteem and the absence of depression in children at all ages and in both sexes. These researchers found that for children for all ages as well as adolescents, there was a high correlation between a supportive, close and reliant mother-child relationship and good ego functioning of the child. Authors, Bonkowski, Boomhower and Bequette (1985), in analysing letters written during group sessions to one or both parents, found that 28% of children expressed a longing for and caring about non-custodial parent. Moreover, several of these children indicated that they had a good relationship with the custodial parent.

In South Africa, Rosen (1977) interviewed 92 children of divorced parents. Fifty-one were in their mother’s custody and 41 in their father’s custody. In all cases it had taken between five and ten years earlier. The age range of this sample was nine to twenty-eight years. In addition to the interview each child was examined by means of projective tests. The latter was aimed at measuring the child’s adjustment and eliciting emotions in relation to the divorce experience. There were no difference between children reared by their mothers and those reared by their fathers.

This continuous longing for the non-custodial parent confirms findings of Wallerstein and Kelly (2000) that regardless of in whose custody the child remained the emotional significance of the relationship with each parent did not diminish over a five-year period.

Similarly Morgan emphasises the important influence that parents have in affecting the eventual outcome of the divorce when she says “that the long-term development of a child need not be affected if the parents maintain a loving and stable relationship with the child and provide role modelling” (1985:51). Hess and Camara (1979) conclude that the child’s relationship with the non-custodial father is of equal importance to his or her well-being as that with the custodial mother.

A meta-analysis by Amato and Keith (2000) suggested that children’s close relationship with their fathers is linked to healthy development. Hence, Jones (2011) confirms that active involvement from both parents can have benefits for children and the residential parent.

It can be deduced from the abovementioned findings that parents are without doubt, key performers in the development of children. In addition, both non-custodial and custodial parent are vitally important potential sources of **support** for their children during divorce and post-divorce.

SECTION I: SOCIAL WORK INTERVENTION

In this section, the social work intervention process will be explored in terms of looking at statutory intervention, therapeutic intervention and referral system. The established themes and categories will be discussed.

4.11 THEME 7: SOCIAL WORK INTERVENTION

The next section will discuss social work intervention in the process of divorce. Participants were asked to give their views on social work intervention that are used or implemented in the process of divorce. This theme was broken into three sub-themes with. The three categories will be discussed with their categories in relation to participants' narratives.

4.11.1 Kind of social work intervention

In exploring statutory intervention, the predominant patterns which emerged were advocacy, lack of resources for sufficient implementation of the service. The resultant data will be presented in tables below:

4.11.1.1 Advocacy

The findings are presented in table 4.20 below:

Table 4.20: Kind of social work intervention: Advocacy

THEME: SOCIAL WORK INTERVENTION				
Sub-theme	Category	f	%	Narratives
Kind of social work intervention	Advocacy	18	85%	<p><i>"Besides that, social work services providers need to intervene in any divorce case as 'advocate'. We have a big role to play just like advocates in the legal fraternity."</i> (Participant D)</p> <p><i>"It is very crucial that in the absence of knowledge for divorcing parents in the process of divorce, social workers must be available to advance the rights of the child."</i> (Participant K)</p>

N=20

Among the pool of twenty participants, eighteen participants (85%) indicated that the role of the social work is that of an **advocate** for the client. According to the New Social Work Dictionary (1995:2) the advocate role of the social worker is **to defend** the **rights** of their clients. This role has been duplicated from the law profession, and is an active directive role in social work (Zastow, 1999:14). Hence, Compton and Galaway (1994:434) indicate that the social worker acting as advocate must learn to argue debate, bargain, negotiate and manipulate the environment in favour of the client and in this case, a child. Participants indicated that social services providers must be able to **advance** the rights of the child.

The above findings, correlates with literature (Johnson & Yanca, 2007:226), in that one of the primary roles of the social worker is that of the advocate, helping clients to obtain services in situation in which they may be denied access or find challenges in terms of access to relevant resources and services. This relates to expanded services to clients with a particular need. Therefore, when social workers become a “voice to the voiceless” is the grand call of the social work profession.

4.11.1.2 Therapeutic intervention

The findings are presented in table 4.21 below:

Table 4.21: Kind of social work intervention: Therapeutic intervention

Theme: SOCIAL WORK INTERVENTION				
Sub-theme	Category	f	%	Narratives
Kind of social work intervention	Therapeutic intervention	20	100%	<p>“Social workers can provide therapeutic intervention wherein they work with the individual, family, children, and divorcing parents for the sake of support.” (Participant M)</p> <p>“The role of social workers and other social services is that they must provide support to a person, family or group in need.” (Participant G)</p>

N=20

Twenty participants (100%) indicated that social works service providers’ primary role is to provide **therapeutic intervention** in terms of **one-on-one counselling service**. Participants indicated that this was considered to be a pivotal need for both adolescents and divorced parents, and tis therefore was of high need in terms of service rendering.

All of the participants (n=20) indicated that the concept of therapeutic intervention as a means of support must be directed to all levels of individual, family and significant others. According to the views of the participants, social work scale in terms of **offering** support.

According to literature Glanz and Mullis (1988), behaviour change is viewed as being maximised when environments and policies together support healthful choices and when individuals are then through such support systems motivated and educated to make choices which result in improved functioning.

4.11.1.3 Multi-disciplinary intervention

The findings were presented in table 4.22 below:

Table 4.22: Kind of social work intervention: Multidisciplinary services

Theme: SOCIAL WORK INTERVENTION				
Sub-theme	Category	f	%	Narratives
Kind of social work intervention	Multi-disciplinary Team approach	15	75%	<p><i>"I think that social services providers must have a good network system in order to help divorcing families effectively ..."</i> (Participant F)</p> <p><i>"Social workers need to know their role when facilitating a divorcing family. If something needs particular professions, say psychologists, you must be able to refer a client. That will help a process. We mustn't rush the process."</i> (Participant Q)</p>

N=20

In discussing the theme of social work intervention in the interview with participants, pattern of a multidisciplinary team approach developed. It became evident that there was a strong focus regarding **the importance of the multidisciplinary team when drafting of a parenting plan**. According to fifteen participants (75%), other professionals within the social and health care were incredibly vital for adequate service rendering in the drawing and implementation of parenting plans. Participants were quick to point out that sufficient implementation of the parenting intervention needed above and beyond that of social workers help.

The adolescent with divorced parents are in great need of social and health support services. When help and support cannot be found in the family, which is often the case during parental divorce, the adolescents must seek support from another source. According to Hudson and

Ineichen (1991:190), these alternative sources of support include the social welfare services, non-governmental organisations (NGOs) and health care professionals.

SECTION J: POLICIES AND LEGISLATION

The participants' views on the relevance of policies and legislation were explored

4.12 THEME 8: RELEVANT POLICIES AND LEGISLATION

Participants were asked to share their opinion regarding the ways in which policies and legislation have influence on adolescents of divorced parents. The right to be respected emerged as a sub-theme.

4.12.1 Relevance of Bill of rights

Findings of the resultant data are presented in table 4.25 below.

Table 4.23: Relevance of Bill of Rights: Right to be respected

THEME: SOCIAL WORK INTERVENTION				
Sub-theme	Category	f	%	Narratives
Relevance of the Bill of Rights	Right to be respected	20	100%	<p><i>"What does the Bill of Rights says about children; they also have the right to be respected. Is that not so? So, is a vital part of the legislation that needs serious consideration? It is an offence to ignore it."</i> (Participant E)</p> <p><i>"Children deserve to be respected in every aspect that concerns their lives. It is their human rights by the way. Parents must respect their children during and after divorce."</i> (Participant K)</p>

N=20

4.12.1.1 Right to be respected

All of the twenty participants indicated that children of divorced parents have the right to be **respected**. The Bill of Rights upholds the right, among others, to human dignity, and guarantees civil, political and social rights (Marshall 1963 cited in Nicholas et al., 2010:53); language rights; and religious rights. The Constitution of South Africa 108 of 1996 came into effect on 3 February 1997; a Bill of Rights (chapter 2) protects human rights in South Africa. By entrenching human rights in the Constitution by means of a Bill of Rights, South African law has recognised the idea of human rights. Human rights are the fundamental, inalienable

rights to which every person is entitled, irrespective of his/her status in the eyes of the law. These rights can be described as claims which all human beings ought to have that fundamental freedom to be respected within their societies as represented by their government. The principle on which human rights are based can be distilled into two fundamentals; a **respect** for human life and the pursuit of human dignity. Hence, everyone is entitled to them on the ground of being human (The Constitution of South Africa, 1996).

4.12.2 The Children's Act 38 of 2005

Participants were asked to share their views on the use of The Children's Act 38 of 2005 based on the drawing up of a parenting plan. The use of The Children's Act 38 of 2005 and implementation of the Children's Act 38 of 2005 emerged as the frequent patterns and will be discussed in tables below:

4.12.2.1 The use of the Children's Act 38 of 2005

The findings are presented in the table 4.24 below:

Table 4.24: The Children's Act 38 of 2005: The use of The Children's Act 38 of 2005

THEME: RELEVANCE OF POLICIES AND LEGISLATION				
Sub-theme	Categories	f	%	Narratives
The Children's Act 38 of 2005	The use of The Children's Act	20	100%	<p><i>"It is very vital that we look into the Children's Act 38 of 2005 as it deals with Child's care issues."</i> (Participant M)</p> <p><i>"We don't just work; one must be very knowledgeable about children's care issues."</i> (Participant B)</p>

N=20

Table 4.24 indicate that twenty participants (100%) stated that social work service providers must both utilise and be knowledgeable regarding The Children's Act 38 of 2005. In the past, it was experienced that the rights of the children did not receive the necessary attention in divorce cases, but under the Children's Act 38 of 2005, these rights must now be prioritised in parenting plans.

4.12.2.2 Implementation of The Children's Act 38 of 2005

The findings are presented in table 4.25 below:

Table 4.25: The Children's Act 38 of 2005: Implementation of The Children's Act 38 of 2005

THEME: RELEVANCE OF POLICIES AND LEGISLATION				
Sub-theme	category	F	%	Narratives
The Children's Act 38 of 2005	Implementation of the Children's Act 38 of 2005	20	100%	<p><i>"The children's Act 38 of 2005 is very important when implementing child's care issue. See aspect of a parenting plan. The Act guides us very well."</i> (Participant H)</p> <p><i>"Social workers must be able to implement The Children's Act 38 of 2005 in order to be accurate in implementing the procedure for drawing a parenting plan."</i> (Participant J)</p>

N=20

Table 4.25 explains that twenty participants (100%) indicated that The Children's Act 38 of 2005) was very important when **implementing** child's care issues relating to a drawing up of a parenting plan. The participants emphasise that when social work service providers implement The Children's' Act during the process of drawing up a parenting plan as an intervention; the process becomes accurate. The Children's Act 2005(2) sets out principles relating to the care and protection of children.

SECTION J: CUSTODY

Custody within the context of child's care in the case of divorce will be focused on this section. Arenstein (1989:44-48) explains that custody in general involves both physical custody (actual day to day control) and legal custody (arrangements regarding education, religious training and medical care). These two elements may be the responsibility of one or both parents.

4.13 THEME 9: CUSTODY

The theme of custody will be discussed according to three sub-themes which were identified. The nature of a parenting plan requires that each divorcing family should have its own parenting plan. Participants' views have been explored regarding custody. The resultant findings will be presented in tables below.

4.13.1 Motivation for seeking custody

The findings are presented in table 4.26 below:

Table 4.26: Motivation for seeking custody: Genuine parental support

THEME: CUSTODY				
Sub-theme	Category	f	%	Narratives
Motivation for seeking custody	Genuine parental support	18	90%	<p><i>"Mothers want to care for their kids after divorce. They just naturally care about their kids."</i> (Participant A)</p> <p><i>"You find that both divorced parents just want to care for their children Even though they are divorced. I think out of genuine concern."</i> (Participant B)</p>

N=20**4.13.1.1 Genuine parental support**

Table 4.26 indicates that eighteen participants (90%) stated that parents want custody of their children out of natural care of their children. Participants identified the following contributory factors that (1) Both the mother and the father place a high value on the opportunity to perform the parenting role, (2) the couple have attained a high degree of resolution of inter-spousal conflict.

4.13.1.2 Parents' competition

The findings of the participants based on the interview are presented in table 4.27.

Table 4.27: Motivation for seeking custody: Parents' competition

THEME: CUSTODY				
Sub-theme	Category	F	%	Narratives
Motivation for seeking custody	Parents' competition	15	75%	<p><i>"Eish! You know, parents are in the boxing ring. They want to see as to who wins at the end. But when we explain the process they understand."</i> (Participant Q)</p> <p><i>"In the beginning is a matter of winning. Especially mothers, but when we explain, they do understand that it is all about children well-being."</i> (Participant J)</p>

N=20

Out of the pool of twenty participants, fifteen of the participants (75%) indicated that when parents seek custody, often is about competition between the parents that one parent is better than the other.

As discussed in chapter three, in pursue of custody, both parents have different motivations. Froneman (1992:132) regards parents' motivation to have custody of the child as one of the most important factor or criteria to be considered in a custody evaluation.

From the narratives above, it can be deduced that although parents are often non-negotiable regarding the custody of their children. Bosman-Swanepoel Fick and Strydom (1998:83) do not necessarily consider this a pathological characteristic. They however warn that parents mostly have a strong need to win and therefore they may present a picture of themselves, which may not be accurate. It is evident that during mediation, divorcing parents want to be seen as winners in terms of litigation. Therefore, social work services have a huge role to play in order to identify the need for parent seeking custody.

From the narratives above, it can be deduced that although parents are often in competitions for their custody of their children, Bosman-Swanepoel, Fick and Strydom (1983:83) do not consider this a pathological characteristics. They however warn that parents have a strong need for **winning** and therefore they may present a picture of themselves, which may not be accurate.

4.13.1.3 Obligated by mediation process

The findings are presented in table 4.28 below:

Table 4.28: Motivation for seeking custody: Obligated by mediation process

THEME: CUSTODY				
Sub-theme	Category	f	%	Narratives
Motivation for seeking custody	Obligated by mediation	20	100	<p>"We normally mediate in terms of the divorce process and as a result, custody issue becomes easy." (Participant C)</p> <p>"During the process of mediation, when we explain to them custody issues, parents would normally seek custody of their children." (Participant E)</p>

N=20

All of the twenty (n=20) participants (100%) indicated that parents **would seek custody during the mediation process**. They indicated that parents are under obligation to see to it that the best interests of the children are of paramount important even in custody process.

According to Emery (2001), mediation compared to routine litigation, assists parents in reaching amicable agreements quickly and at a lower cost than traditional courtroom litigation. Moreover, parents tend to be more satisfied with mediated agreements and are, thus more compliant with them (Miller & Veltkamp, 1995).

As discussed in chapter three, before a Children's Court on a matter, it may order (Children's Act 38 of 2005) a lay forum hearing in an attempt to settle the matter. This may include mediation by a family advocate, social worker, social service professional or other suitably qualified person, or a family group conference be held with the parties in order to mediate between the parties, to settle the disputes between the parties and define the issues to be heard by the court (Section 69 Children's Act 2005). De Jong (2008) submits that a "multi-generational model of mediation" that involves the extended family, including children affected by the proceedings, would probably be used. The Children's Act further provides that a court may make use of intervention services, which include mediation. The Children's Act also contains provisions that mediation should take place. Children's Act 38 of 2005 section 22(1).

It is evident from the findings above that a third party plays a vital role to assist the disputants in order to reach a mutually acceptable settlement.

4.13.2 Custody options

Custody is generally acknowledged as the incidence of **parental power** which invokes the greatest amount of post-divorce litigation. Because it relates to the actual physical "possession" of the child, the parent favoured by the custody order is seen to have won the right to have the child with him or her, while the losing non-custodian is excluded from the daily life of the child (Basson, 2004:122).

Participants were asked to give their opinion on the custody options that divorcing parents normally opt for during divorce process. Participants' findings will be discussed in tables below.

4.13.2.1 Sole custody

The findings are presented in table 4.29 below:

Table 4.29: Custody options: Sole custody

THEME: CUSTODY				
Sub-theme	Category	f	%	Narratives
Custody options	Sole custody	18	90%	<p><i>"Parents are given sole custody after they have been assessed or when they have a dispute. But it create a win-lose situation. It becomes very bad for the parent who 'lose' the right."</i> (Participant N)</p> <p><i>"The power is with the court to award custody if parents have a disputes. Mostly you find out that sole custody is the most preferred one."</i> (Participant G)</p>

N=20

Table 4.29 shows that eighteen participants (80%) indicated that parents are awarded **sole custody** by the court and this mostly creates a sense of a win-lose situation. Sole custody is the most prevalent custody option where one parent maintains both physical and legal custody of the minor children involved.

In terms of section 6(3) of the Divorce Act, a court may make any order concerning the custody of the children; even grant sole custody to one parent, if it is of the opinion that it is the best interest of the child to do so. Sole custody has been ordered so consistently by South African courts that it has come to be regarded as the normal type of custody order (Basson, 2004:125).

It has been argued that sole custody order is the obvious order to be made on divorce, because it is the most beneficial situation for the child if he or she has only one psychological parent after divorce. This is supposed to create and improve the child's sense of belonging and security if she/he knows with which parent the final authority on decision regarding him or her lies. From the participants' view, sole custody is not an ideal solution because it often carries the stigma that the person is an unfit parent though this may not be the case.

4.13.2.2 Joint custody

The findings were presented in table 4.30 below:

Table 4.30: Custody options: Joint custody

THEME: CUSTODY				
Sub-theme	Category	f	%	Narratives
Custody options	Joint custody	18	90%	<p><i>"The real reason behind custody is that children must be cared by both parents, but if they don't agree, it is where the courts determine the options. Often the court award parents joint custody because there might not be any harm experienced by the child."</i> (Participant O)</p> <p><i>"In simple terms, the reason for custody options is to see that children are with the safest parent during the divorce. The well-being of the kids is important here. So, parents who are considered low-conflict are awarded joint custody. It is the best for the children."</i> (Participant P)</p>

N=20

Table 4.30 indicates that eighteen participants (90%) indicate that when parents are awarded **joint custody** it is based on merits. That is, parents are not a threat to the child. It is of the idea that parents should not be engaged into any behaviour that can harm the child.

Joint custody empowers the parents to retain **equal legal rights, authority** and **responsibility** for the **care** and **control** of their children, much as in an intact family. As indicated in chapter three of the study, in line with the modern perception that the family relationships can withstand the breakdown of the marriage, a new form of custody order, an order for joint custody, has evolved. Thus, when divorcing parents are joint custodians both retain an active involvement in the child's life, either through joint decision-making or through substantial amounts of time which the child spends with both parents. According to Basson (2004:132) South African courts are still hesitant to order joint custody – even to the point of considering it a legal impossibility. This author further postulates that academic writers seem to subscribe to the idea that, though joint custody have a number of disadvantages and important requirements that should be met before it can succeed, it is a concept 'whose time has come'. However, joint custody cannot be separated from the developments in the interpretation and application of the best interests principle by the South African courts.

Though literature indicate controversy regarding the joint custody arrangement, number of studies, Galatzer-Levy and Kraus (1999:88) indicate that children prefer joint custody to sole custody and that they benefit from this arrangement, but these authors also emphasise the special effort and commitment that is required from parents. This may be worth the special effort if one considers that joint custody allows both parents the gratifications of parenting while eliminating the syndrome of the overwhelmed single parent said Luepnitz

(1982:13, 150). She concluded after her study that joint custody at its best is superior to single parent custody at its best.

4.13.2.3 Paternal custody

The findings are presented in table 4.31 below:

Table 4.31: Custody options: Paternal custody

THEME: CUSTODY				
Sub-theme	Category	f	%	Narratives
Custody options	Paternal custody	20	100%	<p><i>"Parents are awarded custody because they are the real, say biological parents to their children. Nothing else."</i> (Participant T)</p> <p><i>"Both divorcing parents have an obligation to care and raise their children. That is, mothers or fathers may be awarded the custody because they are the parent to the child. It involves paternal issues."</i> (Participant G)</p>

N=20

Of all the twenty participants (n=20) noted that divorcing parents may be awarded custody of their children because they are the biological parents of the child (ren). Participants indicated that divorcing parents have also the obligation to **care** for their kids and in this instance adolescent. While mothers have primary preferences by courts to be awarded custody, Parke (1996:207) explains that fathers with custody are not bumbling and ineffectual characters, and he claims that research has proved that they can raise their children completely and effectively. Herman (1990:123) advocates that single fathers have to be found to be **caring** and **nurturing**.

Participants emphasised that both divorcing parents have an obligation to **care** and raise their children. This could be attested to feminists and father's rights groups who promoted gender-neutral standards for custody decisions since the 1970s. Luepnitz (1982:157) explains that our notion that women are mothers and mothers are women is part of our psychology, profoundly embedded and not likely to change overnight. As a result, the message conveyed to policymakers, was that fathers were on balance interchangeable with mothers. This notion supported the gender-neutral custody standards and primary caretaker preference, since it claims that fathers could fulfil this role as well as mothers (Mason, 1994:171-172).

In presenting these findings, it can be deduced that the criteria used by courts to resolve child custody disputes have always been informed by the changes happening in society at large.

SECTION K: PARENTING PLANS

Parenting plan will be discussed according to the four identified sub-themes: social work experiences regarding the drawing of a parenting plan, trends of divorcing families, children's voice and parenting arrangements. These sub-themes will be discussed according to six respective categories as presented in tables below.

4.14 THEME 10: PARENTING PLANS

The tenth theme relates to parenting plan. As discussed in chapter three, the literature on divorce testifies to great difficulty of co-parenting following divorce (Amato, 2000; Grych, Fincham, Jouriles & McDonald, 2000). Therefore, optimal co-parenting, regarded as the ideal of successful divorce, is based on and manifested by parents' involvement in their children's lives (Cohen, Dattner & Luxenburg, 1996). According to Engelbrecht and Rencken-Wentzel (1999:90), the organisation of family life and the division of responsibility in the reconstructed family can be described in a document called a parenting plan..

4.14.1 Guided by the Children's Act 38 of 2005

When exploring the theme of parenting plans, participants of the study were asked to discuss their views regarding their experiences in the implementation of policies when drawing a parenting plan, and whether there was sufficient understanding of different policies regarding overall execution of drafting a parenting plan for each unique divorcing family. Four dominant sub-themes and their patterns emerged. They will be discussed in tables below:

4.14.1.1 *Need of knowledge*

The findings based on the narratives of the participants are presented in table 4.32 below:

Table 4.32: Guided by the Children's Act 38 of 2005: Need of knowledge of the Children's Act 38 of 2005

THEME 8: PARENTING PLAN				
Sub-theme	Category	F	%	Narratives
Guided by Children's Act 38 of 2005	Need of knowledge of the Children's Act 38 of 2005	20	100%	<p><i>"Drawing a parenting plan is challenging, it needs us to be very knowledgeable about The Children's Act 38 of 2005, you know."</i> (Participant J)</p> <p><i>"Social workers and social services providers must be expert when it comes to the drawing of a parenting plan ..."</i> (Participant C)</p>

N=20

According to the findings analysed, table 4.32 indicates that all twenty participants (100%) felt that the drawing of a parenting plan needs someone who is **knowledgeable**. The Children's Act 38 of 2005 is crucial for determining the nature, content and necessity of parenting plans, and three sections in the Act are vital for consideration: the best interest of child standard (section 7) and the contents and formalities pertaining to parenting plans (section 33 and 34). The three sections demand that parenting plans be child-centred and they accordingly provide guidelines to professionals to draw a well-structured plan in a well-organised process of registry to ensure an effective parenting plan that will work for the divorcing families. Therefore, it needs professionals to understand what the focus of a parenting plan should be as stipulated by the Children's Act.

As discussed in chapter three, parenting plans are a relatively new phenomenon in South Africa. Hence, Robinson (2010:43) advises that the professionals should use all the available resources to produce effective and high quality parenting plans. Because parenting plans for divorcing families should be compiled before the courts are approached, the author urges that it is imperative that appropriate, sound, well-structured and professionally designed plans be drafted by competent, well informed and appropriate qualified professionals.

The Children's Act 38 of 2005 policy context encompasses all aspects of individuality, social support and physical environments. Section 33(3) of the Children Act states that a parenting plan may determine any matter in connection with parental rights and responsibilities, including (a) where and with whom the child is to live; (b) the maintenance of the child; (c) contact between the child and (i) any of the parties, and other persons; and (d) the schooling and religious upbringing of the child. As a result, it encompasses guidelines of how to draw a parenting plan that is child-centred.

4.14.2 Purpose of parenting plans

In the exploration of the theme of drawing up of a parenting plan, the best interest of the child and the protection of parents' rights and responsibilities were the common categories frequently raised by participants. These findings are presented in table 4.35 below:

Table 4.33: Purpose of parenting plan: Best interest of the child

THEME: PARENTING PLANS				
Sub-theme	Category	f	%	Narratives
Purpose of parenting plan	Best interest of the child	15	75%	<p><i>"I understand that the most benefit of drawing a parenting plan is that it deals with children as I consider them to be victims of their parental divorce. We consider that because of the legal system wanting to finalise the divorce case."</i> (Participant O)</p> <p><i>"Parenting plan is very open; it looks into the best interest of the child. Thus children first."</i> (Participant D)</p>
	Protect parents responsibilities	17	85%	<p><i>"The Children's Act 38 of 2005 provides a guideline that social workers must adhere to in order to write a comprehensive parenting plan by looking into parental rights and responsibilities ..."</i> (Participant J)</p> <p><i>"When we draw up parenting plans, we consider the issue of the rights and responsibilities of the parents, we don't just guess and write ..."</i> (Participant L)</p>

N=20

4.14.2.1 The principle of the best interest of the child

Table 4.33 indicates that amongst the twenty participant, fifteen (75%) considers that the best interest of the child is of paramount important when professionals are tasked with the drawing up of a parenting plan. This can be related to the Constitution of the Republic of South Africa (1994) as it states that the best interests of the child are of paramount importance in every matter concerning the child. As the Constitution is the supreme law in the Republic, the modern South African family law is characterised by this commitment to the welfare of the child. However, the constitution does not regulate each aspect of family policy in detail and the greater body thereof is found in legislation and the common law (Basson, 2004:6). Furthermore, this commitment to the promotion of the welfare of the child is not unique to modern South African law, but is an acknowledged principle of the common law and international child law as well (Basson, 2004:iv).

Children's rights in South Africa form the basis for the interest of the child in all matters affecting the children.

As discussed in chapter three, Gould and Martindale (2009:33), Maya (2005), Stahl (1995:25) indicate that the circumstances of each child in each family unit vary across a wide spectrum of factors; the best interest of child standard is invariably a relative concept. Authors contemplate that irrespective of facts and context of each case determining children's best interest, generally, the child's interests include his/her physical, economic, emotional, intellectual, cultural, spiritual, social, moral and religious well-being. Moreso, Robinson (2010:39) states that it is impossible to compile an exhaustive list of all the factors which must be considered when a court has to decide on a child's best interests

4.14.2.2 Protection of parents' rights and responsibilities

Seventeen participants (85%) hold a view that when professionals draw a parenting plan, they are enhancing the **rights and responsibilities** of the divorcing parents. The Children's Act 38 of 2005 offers parenting plans as a method to assist parents with how to **exercise their parental responsibilities and rights** after separation or divorce. Parenting plans are a relatively new concept in South Africa, but are already popular in countries such as the United States and Australia, and in certain European countries (Kehily, 2004:165). A parenting plan sets out how parents will exercise their respective **responsibilities and rights**.

Section 33 of The Children's Act 38 of 2005 makes explicit provision regarding parenting plans which read thus:

- (1) *The co-holders of parental rights and responsibilities in respect of a child may agree on a parenting plan determining the exercise of their respective rights and responsibilities in respect of the child.*
- (2) *If the co-holders of parental rights and responsibilities in respect of a child are experiencing difficulties in exercising their rights and responsibilities, those persons, before seeking intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective rights and responsibilities in respect of the child.*
- (3) *A parenting plan may determine any matter in connection with parental rights and responsibilities, and must be in terms of a prescribed form including the following issues:*

- (a) Where and with whom the child is to leave; (b) the maintenance of the child; (c) contact between the child and (i) any of the parties, and (ii) any other persons; and (d) the schooling and religious upbringing of the child.
- (4) *A parenting plan must comply with the best interests of the child principle as set out in Section 7.*
- (5) *In preparing a parenting plan as contemplated in subsection (2) the parties must seek:*
 - (a) *The assistance of a family advocate, social worker or psychologist; or*
 - (b) *Mediation through a social worker or other suitably qualified person.*

4.14.3 Policy prescriptions regarding the drawing up of a parenting plan

The policy prescription on the drawing up of a parenting plan was one of the core focuses of the interview and emerged as a strong sub-theme under the banner of social work within the children's' care context. Findings are presented in table 4.36 below:

Table 4.34: Policy prescriptions regarding a drawing up of a parenting plan: Written parenting plan

THEME: PARENTING PLANS				
Sub-theme	Category	f	%	Narratives
Policy prescriptions regarding a drawing up of a parenting plan	Written parenting plan	20	100%	<p><i>"Parenting plan is a pre-requisite written document before parents start with their divorce process. It must be written and agreed upon by both parties ..."</i> (Participant F)</p> <p><i>"Parenting plans should be presented in a form of writing where both divorcing spouse agree on how they will rear their child(ren)."</i> (Participant I)</p>
	Statement from family advocate	20	100%	<p><i>"The family advocates are the ones to facilitate the writing of the parenting plans for each divorcing family, parents are legally bound."</i> (Participant H)</p>

N=20

4.14.3.1 Written parenting plans

Table 4.34 gives findings of the participants interviewed. It indicates that all the twenty participants (100%) agree that the drawing up of a **written parenting plan** must conform to

legal formalities. Section 33 and 34 of the Children's Act give guidance to the professional on the content and formalities of parenting plans and on how to deliver quality parenting plans in a competent manner. Section 33 and 34 of The Children's Act 38 of 2005 prescribed that the parenting plan should be in writing and signed by both parties to the agreement as well as the mediator who drew up the agreement.

4.14.3.2 Statement from family advocate

All of the twenty participants (100%) indicated that the family advocates are the ones to facilitate **the writing** of the parenting plans for each divorcing family. Parenting should be accompanied by a statement from a family advocate, social worker, psychologist or other suitably qualified person to the effect that the agreement was prepared after consultation with such person. Bosman-Swanepoel explains that the family advocate is obliged in some cases to institute an enquiry (Section 1989 Van Zyle).

Furthermore, all the twenty participants family advocate or made an order of the court. It must be noted that an application by parents for the registration of the parenting plan or for it to be made an order of the court must be in the prescribed format and it must contain the prescribed particulars. Moreover, it must be accompanied by a copy of a plan and a statement by a family advocate, social worker or psychologist declaring that the plan was prepared after consultation or mediation with such a professional (Robinson, 2010:43).

4.14.4 Advantages of parenting plans

In exploring the use of parenting plan, the advantages of parenting plans were investigated.

4.14.4.1 Participation in drawing up a parenting plan

The findings are presented in table 4.35 below

Table 4.35: Advantages of parenting plans: Participation in drawing up a parenting plan

THEME: PARENTING PLANS				
Sub-theme	Category	f	%	Narratives
Advantages of parenting plans	Participation in drawing up a parenting plan	20	100%	<i>“When a parenting plan is drawn, parents have to be involved because it is their parenting plan indicating how they will support their kids”. (Participant P)</i>
	Agreement drawn before court process	20	100%	<i>“The family advocate cannot speculate on how the divorcing family will rear their kids, but must involve the parents so that they can share ideas and agree on their parenting plan.” (Participant K)</i> <i>“Divorcing parents have to agree and write it down on how they will raise their kids. This is done prior court appearances.” (Participant H)</i>

N=20

Table 4.35 indicates that the whole pool of twenty participants (100%) agree that parenting plans **involves both parents** to discuss and agree on how they will parent their children post-divorce. Sanders, Markie-Dadds and Turner (2003:19) stress that it is vital that parenting plans are representative of both the parents and the child's needs and that the plan promotes the best interest of the children and focuses on empowering the parents. Robinson (2010:126) indicates that the parenting plan drafted for the divorcing families without their participation often do not reflect the needs of the divorcing family and that the plans are not useful post-divorce. This author found that this happens as professionals are not necessarily involving parties concerned or informed about the divorcing family's needs. As a result, parenting plans cannot be representing the divorcing family needs without the participation.

4.14.4.2 Agreement drawn by divorcing parents

Twenty participants (100%) indicated that parenting plans should be approved based on the **agreement** made by the divorcing parties. It is found that parenting plan that is well structured can be valuable in a divorce process as it can assist the parents by giving content on their respective responsibilities post-divorce. Article 33(3) explains that a parenting plan may determine any matter in connection with parental rights and responsibilities, including:

- (a) *Where and with whom the child is to live;*
- (b) *The maintenance of the child;*

- (c) *Contact between the child and – (i) any of the parties; and (ii) any other person; and*
- (d) *The schooling and religious upbringing of the child.*

As discussed in chapter three, the concept of parenting plans has been included in section 33 of the Children's Act 38 of 2005. The emphasis is placed on professionals that should assist the divorcing family to structure parenting plans when going through a divorce, before seeking the intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective rights and responsibilities in respect of the child. As a result, professionals are thus confronted with divorcing families that are in need of help to draft a parenting plan to structure their lives post-divorce.

4.14.5 Misinterpretation of parenting plan

Participants were asked to give their views on the disadvantages of the drawing up of a parenting plan. The findings are presented in table 4.36 below:

4.14.5.1 Poor consideration of child's views

The findings are presented in table 4.36 below:

Table 4.36: Misinterpretation of parenting plans: Poor consideration of child' views

THEME: PARENTING PLANS				
Sub-theme	Category	f	%	Narratives
Disadvantages of parenting plans	Poor considerations of child's views	17	85%	<p><i>Sometimes you find that the parenting plan focuses on the needs of the parent only but it must basically focus on children rather than the parent. So, it is challenging because children are misrepresented most of the time.</i>" (Participant K)</p> <p><i>"When a parenting plan is drawn, children are normally not heard speaking their views during a divorce. As a result, legal expert will draw a parenting plan focusing on the benefit of parents rather than children."</i> (Participant F)</p>

N=20

Table 4.36 shows that all the twenty participants (100%) expressed the fact that the **voice of the children** during divorce is actually **undermined** though children have the right to voice their opinion. According to participants, there is a **lack of consideration of children's voice**

during parental divorce though the Children's Act 38 of 2005 grants children to be heard in matters that affect them.

According to Morrow and Richards (1996), when parents separate or divorce, decisions have to be made that will have significant impacts on their children. Finding ways to include children's participation in those decisions is often referred to as promoting "the voice of the child". However, promoting children's participation in decision-making in the context of family law is a relatively recent development. Historically, children were viewed as objects of concern, lacking the capacity to participate in family law matters and in need of protection from parental conflict (Graham & Fitzgerald, 2005; Morrow and Richards, 1996; Roche, 1999; Taylor, Smith & Tapp, 1999) or from being put in the middle of their parents' disputes (Emery, 2003; Warshak, 2003). It was assumed that, if children could be insulated from post-separation decision-making, they would be sheltered from the turmoil of their parents' relationship breakdown (Smart, 2002). A related assumption was that parents know what is in their child's best interests (O' Quigley, 2000; Timms, 2003), hence, children's views are adequately represented by adults. Increasingly, children are understood as being rights-bearing individuals, rather than objects of concern or subjects of a decision (Eekelaar, 1992; Lansdown, 2001). Moreover, the social science literature and research have increasingly demonstrated that not listening to children may cause more harm than good (Kelly, 2002; Lansdown, 2001; Pryor & Rogers, 2001; Smith, Gallop & Taylor, 2000), and that meaningful participation of young people in child custody and access disputes can protect them during a time when a family breakdown puts them at risk (Amato, 2001; Butter, Scanlon, Robinson, Douglas & Murch, 2002; Cashmore, 2003:1).

The emergence of a shift to a child-oriented view was reflected in legal arguments that arrangements for child-rearing following a divorce or separation should first and foremost reflect the child's best interest, as expressed by the child. Many countries have now adopted legislation designed to maintain the Rights of the Child as prescribed by the UN Convention of 1989. Convention has been a significant underlying factor in the growing concern for, and commitment to, allowing children more say in the legal decisions that affect their lives.

Article 3 of the United Nation Convention on the Rights of the Child requires the state to act in the best interest of children:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The existing research on children's desire to be included suggests that they want to be kept **informed**, and want their needs and interests heard. Adolescents, in particular, are much more likely to want to be present when major decisions affecting them are made, and to want to express explicit preferences about these decisions (Neale, 2002; O'Connor, 2004).

Children have a legal right to **be heard and listened to** according to the *United Nations Convention on the Rights of the Child*. The *Convention* on Children's rights implicitly incorporates a recognition that children should not only be respected and heard, but also ensures that children have access to the civil, economic, political, and social rights that are accorded to everyone.

4.15 CONCLUSION

The aim of this study was to explore the views of social work professionals on the use of parenting plans for adolescents of divorce. Analysis of the empirical findings as gathered through semi-structured interviews were presented in this chapter according to, firstly the biographical information of the participants, it relation to factors such as profile of the participants, core business, position in the organisation, years of experience, average caseload per month, and percentage of clients presenting with/affected by divorced parents seeking assistance in drawing a parenting plan. Secondly, nine themes were explored, with regard to training and knowledge in child's care policies-parenting plan, needs of adolescents of divorce parents, support to adolescents of divorce by parents, parent-child relationship post-divorce, social work intervention, custody and parenting plans. These themes were explored within respective sub-themes and categories accordingly, reflecting on participant narratives and correlation of findings with relevant literature.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The investigation of social workers' view on the use of parenting plans for adolescents of divorce originated from an identified gap in the literature and an apparent poor implementation of the drafting of a parenting plan as an intervention for families with adolescents of divorced parents. The exploration was achieved by presenting a discussion on the psycho-social needs experienced by adolescents of divorced parents from the humanistic development perspective, and this fulfilled the first objective of the study, as set out in chapter 2. The second objective was met in chapter 3, where the rights-based approach was explored in terms of its relevance to the use of parenting plan for adolescents with divorce parents. The literature review carried out in chapter two and three presented the basis for the empirical study which was carried out and the findings discussed in chapter four. This chapter thus attained objective number three of the study which was to investigate the views of social work service providers on the use of parenting plans for adolescents with divorced parents according to an empirical data executed. The aim of this study was thus, to gain a deeper understanding of the views of social work service providers on the use of parenting plans as an intervention strategy for the divorcing families with adolescents. The findings of this study which are limited to the specific sampled population served as an account of the views of the social work service providers and can be used to inform the drawing up of parenting plan for a family going through a divorce.

Following on what has been discussed in the preceding chapters, chapter five will address the last objective which is to draw conclusions and make recommendations for social workers assisting divorcing families with adolescents implementing parenting plans as an intervention and for the information presented as a literature review and an empirical investigation, conclusion of the study and recommendations can be drawn. These conclusions will be discussed in line with the objectives of the study and the themes investigated. The conclusions will be discussed followed by the corresponding recommendations as per the outline on table 5.1

Table 5.1: Conclusions and Recommendations of the study

Objectives	Conclusions and recommendations
<p>Objective 1</p> <p>To discuss the psycho-social need experienced by adolescents of divorced parents from the humanistic development approach</p>	<p>Biographical information of participants</p> <p><i>Predominant psycho-social needs of the adolescents</i></p> <p>The need for safety/security</p> <p>The need for nurturance</p> <p>The need for engagement</p> <p>The need for a challenge or purpose</p> <p><i>Adolescents response to parental divorce</i></p> <p>Emotional response</p> <p><i>Support of parents to adolescents of divorce</i></p> <p>Divorced parents attitude</p> <p><i>Parent-child relationship post-divorce</i></p> <p>Nature of parent-child relationship</p>
<p>Objective 2</p> <p>To explain the use of parenting plans for adolescents of divorce parents from the rights-based approach</p>	<p><i>Support of parents to adolescents of divorce</i></p> <p>Divorced parents attitude</p> <p><i>Parent-child relationship post-divorce</i></p> <p>Nature of parent-child relationship</p> <p><i>Support of parents to adolescents of divorce</i></p> <p>Divorced parents attitude</p> <p><i>Attitude and knowledge of divorce procedure</i></p> <p>Parents' mindset in the process of implementing the divorce procedures</p> <p><i>Custody</i></p> <p>Motivation of parents seeking custody</p> <p>Custody options</p>
<p>Objective 3</p> <p>To investigate the views of social workers on the use of parenting plans from the legal perspective</p>	<p><i>Equipment to draw up parenting plans</i></p> <p>Undergraduate training</p> <p>Postgraduate training</p> <p>In-service training</p> <p><i>Social work intervention</i></p> <p>Kind of social work intervention</p> <p>Relevance of Bill of Rights</p> <p>Children's Act 38 of 2005</p> <p><i>Parenting plans</i></p> <p>Guided by the Children's Act 38 of 2005</p> <p>Purpose of the parenting plan</p> <p>Policy prescriptions regarding a drawing up of a parenting plan</p> <p>Advantage of parenting plan</p> <p>Disadvantage of a parenting plan</p>

5.2 CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations are based on the empirical findings of the study. The presentation of the conclusions and recommendations follow the same outline as that of chapter four. The section will thus cover the conclusions on the biographical information of participants, equipment of training to draw up a parenting plan, psycho-social needs of adolescents of divorce, support to adolescents of divorced parents, attitude and knowledge of divorce procedures, parent-child relationship post-divorce, social work intervention, custody and parenting plans. The recommendations will be presented following the conclusions for each section. This is to enhance coherence of ideas and understanding

5.3 BIOGRAPHICAL INFORMATION

The participants interviewed in the study operated in various positions in different organisations. However seventeen participants were social workers. Hence two participants were youth workers and one marriage counsellor. In relation to experience being in the field of social work, highest number of experience ranged from 8 to 11 years. Participants' core business includes health services, welfare services, education, law enforcement, youth work and community work. The predominant average caseload per month was that of 20-25 clients. In addition the client caseload of divorced parents seeking assistance with a drawing up of a parenting plan ranged from 5%-25%.

From the description above, it can be concluded that even though social service providers had sufficient years of experience in the field of social work, they had insufficient exposure to the drawing up of a parenting plan.

5.4 PREDOMINANT PSYCHO-SOCIAL NEEDS OF THE ADOLESCENTS

Psychosocial needs pertain to a person's psychological development in relation to his/her social environment. The nature of five needs was investigated. These needs were the needs for safety, the need for nurturance, the need for engagement and the need for a challenge. The conclusions reached on these needs will be discussed below and recommendations will be made.

5.4.1 The need for safety/security

All the twenty participants stated that adolescents needed to feel safe with both parents, even if the parents are divorced.

5.4.1.1 Recommendations

Based on this conclusion, it is recommended that when parents' divorce, social service providers must assist them to be able to interact with their children about their divorce and assure children that they will protect them from any harm.

5.4.2 The need for nurturance

All the participants stated that adolescents need to be nurtured by their parents, because the adolescence stage has often been described as a period of storm and stress, a time when the individual is erratic, emotional, unstable and unpredictable. It can be concluded that adolescents need their parents for unconditional love during this period of "confusion."

5.4.2.1 Recommendations

It is recommended that social work service providers should design awareness programmes to educate parents about the impact of parental divorce on their adolescent children. Furthermore, divorcing parents should be equipped with knowledge about human developmental in order to understand and love their adolescent children.

5.4.3 The need for engagement

When considering the need of engagement, participants believed that divorce is entirely man or woman made and represents a voluntary decision for at least one of the marital partners. The children are aware that the cause of divorce is the decision of one or both parents and that it's true cause is the unwillingness or failure to maintain the marriage.

Based on this finding, it can be concluded that adolescents need to be engaged in their parents' divorce process as a way of respecting children *bona fide* status within the family.

5.4.3.1 Recommendations

It is recommended that social workers should empower divorcing parents with communication skills so that they can talk to their adolescent children about the divorce, hence being together.

5.4.4 The need for a challenge or purpose

When considering the issue of the need of challenge or purpose, participants believed that parents often do not know how to give direction and guidance to their adolescent children, and adolescents often seem unable to ask for guidance.

5.4.4.1 Recommendations

It is recommended that social work services providers should offer counselling services focusing on assisting the adolescents regarding building a higher sense of purpose. In doing so, the adolescent would feel more competent in accessing helpful resources and be able to address problems resulted from parents' divorce.

In addressing the psycho-social needs of adolescents of divorce, social work service providers should identify close relationships that adolescent generally uses as a source of support for stressful events. These could be a significant source of support and assistance during interventions

5.5 ADOLESCENTS' RESPONSE TO PARENTAL DIVORCE

5.5.1 Emotional response

All the participants explained that adolescents had negative emotional response when they found out about their parents' divorce. These emotions included feelings of anger, embarrassment and self-blame.

The primary reason why adolescents have these negative reactions towards their parents' divorce is that parental divorce is perceived as a crisis, hence stressful.

It can be concluded that parental divorce is a negative experience for most adolescents.

5.5.1.1 Recommendations

It is recommended that when dealing with adolescents of divorce, social work service providers should determine if the adolescent is currently in a crisis as a result of parents' divorce. Therefore, adolescents should have access to crisis intervention services in order to reduce the unpleasant effects determined by the divorce of parents.

Social service providers should assist adolescents to work through the negative emotions related to their parents' divorce. This would assist the adolescent in accepting himself/herself and both parents even if divorced.

5.6 SUPPORT OF PARENTS TO ADOLESCENTS OF DIVORCE

The participants stated that relatively insufficient support is offered by divorcing parents to their children. All the participants agreed that divorce is a process that encompasses multiple stages.

It can be concluded that parents lack knowledge of how they can be supportive to their adolescents whilst going through and post-divorce.

5.6.1 Divorced parents' attitude

All the participants held a strong view that adolescent children of divorce require support from their parents even if their parents are divorced.

5.6.1.1 Recommendations

Based on these findings, it is recommended that social work service providers working with adolescents of divorced parents should be able to identify other family members who can act as support system to help adolescents not to think that they have been abandoned.

5.7 PARENT-CHILD RELATIONSHIP POST-DIVORCE

5.7.1 Nature of parent-child relationship

Participants noted that children of divorced parents who stay with their mothers seemed to be happy more than when they are staying with their fathers. Participants emphasised that fathers normally have unpleasant relationship with their children even before divorce.

5.7.1.1 Recommendations

It is recommended that when dealing with divorcing parents, social services providers must be able to empower divorced parents with knowledge on how to care for their adolescent children. This is because parents are key performers in the development of their children.

5.8 SUPPORT OF PARENTS TO ADOLESCENTS OF DIVORCED PARENTS

5.8.1 Divorced parents' attitude

All the participants indicated a strong view that adolescents of divorced parents require support from their parents even if divorced. Participants indicated that during divorce, parents normally focus on their own problems which result in a weakened capacity to parent.

5.8.2 Recommendations

It is recommended that social service providers must be able to identify other family members who can act as a support system to assist the adolescents to be able to cope with parental divorce. This may help adolescent children to feel less confused, lonely and angry when realising that they have other people whom they can depend on for support during the critical period of their lives.

5.9 ATTITUDE AND KNOWLEDGE OF DIVORCE PROCEDURE

5.9.1 Parents' mindset in the process of implementing the divorce procedures

Participants indicated that divorcing parents rely too much on their legal service providers for the provision of information on the divorce process. Moreover, divorcing parents lack knowledge regarding the divorce process and that include knowledge on their rights and responsibilities as embedded in The Children's Act 38 of 2005.

5.9.2 Recommendations

It can be recommended that divorcing parties should be informed about the effect protracted litigation can have on them and their children and social service providers should encourage divorcing parents to resolve their disputes in a minimally antagonistic atmosphere.

It is also recommended that social service providers must provide helpful resources such as reading material, video clips and audio material that deal with divorce issues. Again, awareness programmes should be designed to educate parents about divorce process.

5.10 CUSTODY

5.10.1 Motivation of parents seeking custody

Participants indicated that parents have different motivations when they seek custody for their children. Participants indicated that parents seek motivation out of genuine parental support and parental competition.

Based on these findings it can be concluded that divorcing parents need custody for various reasons.

5.10.1.1 Recommendations

It can be recommended that when social service providers are working with divorcing parents, they must carry out proper investigation to ascertain the motivation of each parent seeking custody. The findings must be used in the award of the custody either during court or out of court.

5.10.2 Custody options

Participants indicated that there are many custody options and any option awarded is based on merit. This implies that there are conditions looked at when a particular custody option is awarded and not necessarily based on gender of the divorcing parent.

5.10.2.1 Recommendations

It is recommended that when social service providers are working with a divorcing family, to provide a custody decision-making process, both parents must participate and assessment must be done and used as recommendations to award any type. This will help to eliminate issue of gender biasness from the custody decision-making process, since there are fathers who also have the potential to be adequate custodial parents

5.11 EQUIPMENT TO DRAW UP PARENTING PLANS

5.11.1 Undergraduate training

Based on the findings provided within the theme of equipment training to be able to draw parenting plans, participants indicated that their undergraduate training in terms of child's care regarding the drawing up of a parenting plan was inadequate. Furthermore, participants reflected that there was a huge gap in training regarding the drawing of a parenting plan as an intervention strategy for divorcing family.

From the findings above, it can be concluded that there is a high need for training of undergraduate social services providers in child's care, both with regard to theory and practice regarding drawing up of parenting plans. Students at the undergraduate level do not presently receive sufficient training in this field within the social work curriculum,

5.11.1.1 Recommendations

Based on these conclusions, it is recommended that social service providers' training based on policies and legislation pertaining child's care must receive sufficient training within social

work curriculum, and participants viewed it as important and something that needs to be implemented at the first year level of the social work course.

5.11.2 Postgraduate training

Based on the findings about equipment training to draw a parenting plan, participants indicated that postgraduate training is of vital importance. Social services do not strive to equip themselves with knowledge at the postgraduate level as a result of the assumption and belief that child's care is not a core focus of their service provision, but rather something that need to be done and this is an incorrect assumption and needs to be examined further.

5.11.2.1 Recommendations

Based on this finding, it is recommended that social service profession should be encouraged to pursue their studies at a postgraduate level hence specialising in child's care issues such as developing guidelines for professionals in the use of parenting plans.

5.11.3 In-service training

From the findings of this study, it can be concluded that in-service training within organizations is of paramount importance and must be effectively implemented within both the public and private sectors, thus equipping social service providers with sufficient knowledge and skills in child's care policies and legislation. It can be concluded that in-service training is implemented, however inadequate in-service training regarding drawing of a parenting plan.

5.11.3.1 Recommendations

From these findings, it is recommended that social service providers must receive in-service training in drawing up of a parenting plan to equip them with sufficient knowledge and skills that will enable them to drawing up a parenting plan.

5.12 SOCIAL WORK INTERVENTION

5.12.1 Kinds of social work intervention

Within the theme of social work intervention, three primary conclusions can be made with regard to social services providers' roles as that of being an advocate, able to offer therapeutic intervention and able to consider multi-disciplinary team approach in order to draw up an effective parenting plan. It can be concluded that social work service must be able to enhance the lives of people they are helping.

5.12.1.1 Recommendations

Based on these findings, it is recommended that social service providers ought to adopt the appropriate role to assist the divorcing family with the process of structuring a parenting plan. Hence the primary purpose must be to give assistance to the divorcing family to reach solutions with regard to issues on which they disagree. Furthermore it is recommended that social services providers must be able to advocate on behalf of the clients in order to help clients to obtain services in situation in which they may be denied access. Moreover, social service providers must be able to motivate family members to seek assistance from other professionals if necessary. This includes health or legal service providers.

5.12.2 Relevance of Bill of Rights

All the participants agreed that children have the right to be respected by their parents even in timed of divorce. Participants indicated that it is children's human rights that entail respect and pursuit human dignity. It can be concluded that children of divorce parents need to be respected in all issues that concern them during and post-divorce of their parents.

5.12.2.1 Recommendations

Based on the findings, it is recommended that social service providers must create an enabling environment that adolescents of divorced parents will be able to deal with parents' divorce. Social service providers must be able to let the adolescent child of divorced parents know about the divorce of the parents. This must be facilitated in a more respectful way.

5.12.3 Children's Act 38 of 2005

5.12.3.1 The use of The Children's Act 38 of 2005

All participants agreed that in the drawing up of a parenting plan, social services providers must be knowledgeable about The Children's Act 38 of 2005. This is because it has been indicated that in the past children's rights did not receive the necessary attention in divorce issues. It is further agreed that the children's Act 38 of 2005 is very important when implementing child's care issues relating to the drawing up of a parenting plan.

5.12.3.2 Recommendations

Based on these findings, it is recommended that social work service providers must be acquainted with the Children's Act 38 of 2005 when drawing up a parenting plan. Thus,

Children's Act 38 of 2005 must be used as a legal guideline in drawing up a parenting plan. Hence, The Children's Act sets out principles relating to the care and protection of children.

5.13 PARENTING PLANS

5.13.1 Guided by the Children's Act 38 of 2005

All participants indicated that it is vital that any social service providers must be knowledgeable with The Children's Act 38 of 2005 since it is a crucial policy for determining the nature, content and necessity of parenting plans. Participants emphasised the need to understand the three sections of the Act (section 7, 33 and 34) that deal specifically with the drawing up of a parenting plan.

It can be concluded that parenting plan is a new and challenging phenomenon in South Africa that social service professional are faced with.

5.13.1.1 Recommendations

Based on the conclusion, it is recommended that professionals must be well qualified and possess at least post graduate degree in the social service, mental health or legal field, and have considerable training and understanding of families, issues of divorce, child development, and the needs of the court.

5.13.2 Purpose of the parenting plan

5.13.2.1 The best interest of the child

Participants indicated that the Constitution of the Republic of South Africa (1994) states that the best interest of the child is of paramount important in every matter concerning the child. Furthermore, participants indicated that The Constitution is the supreme law. Hence, the modern South Africa family law is characterised by this commitment to the welfare of the child. Moreover, children's rights in South Africa form the basis for the interest of the child in all matters affecting the children. It can be concluded that the best interest of the child are not necessarily prioritised.

5.13.2.2 Recommendations

It is recommended that social service providers should consider the best interest of the child when drawing up a parenting plan. The principle of the best interest of the child must be

considered as a standard procedure to draw a well-structured parenting plan. This will enable professionals to draw a child-centred parenting plan and not parent-focused.

5.13.3 Policy prescriptions regarding a drawing up of a parenting plan

In the exploration of the drawing up of parenting plans, participants agreed that the drawing up of a parenting plan must conform to legal formalities. A parenting plan must be in writing, it must be signed by the parties to the agreement, and it may be registered with a family advocate or made an order of the court. Hence an application by parents for the registration of the parenting plan or for it to be made an order of the court must be in the prescribed format and it must contain the prescribed particulars. Hence, it must be accompanied by a copy of the plan and a statement by a family advocate, social work service providers or psychologist declaring that the plan was prepared after consultation or mediation with such a professional.

5.13.3.1 Recommendations

Parenting plans are a relatively new concept in South Africa. It is recommended that because parenting plans for divorcing families are compiled before the courts are approached, it must be an obligation that a sound and well-structured designed parenting plans be drafted by a competent and well-informed qualified professional.

5.13.4 Advantage of parenting plan

In exploring the use of parenting plan, participants indicated two advantages of a parenting plan which include participation in drawing up a parenting plan and an agreement drawn before court process. Participants indicated that the drawing up of a parenting plan involves both divorcing parents so that they can agree and disagree on issues that concern their children. Such participation promotes the best interest of the child and focuses on empowering the parents. It is further agreed that a parenting plan is based on the agreement made by the divorcing parties and outlines parental rights and responsibilities. A social service professional can declare the authenticity of the drafted document.

5.13.4.1 Recommendations

Based on these findings, social services providers must be able to help parents who seek assistance of a family advocate, social worker or psychologist or other suitable qualified person to help with the drawing up of a parenting plan. It is further recommended that when professionals deliver the service, it should not be dictated by monetary rewards.

5.13.5 Disadvantage of a parenting plan

All the twenty participants indicated that when parents separate or divorce, the voices of the children are actually undermined. It was further stated that historically children were viewed as objects of concern, lacking the capacity to participate in family law matters. It can be concluded that children have a legal right to be heard and listened to in matters that concern them including parental divorce.

5.13.5.1 Recommendations

Based on the conclusion, it is recommended that social services providers should include children in the process of drawing up of a parenting plan. Professionals must aim to identify what the children need and see as important post-divorce. This will enable the interest of the child to be included in the parenting plan process. It is further recommended that social service providers must involve children of divorced parents from the beginning of the divorce process to promote the right of the child to express his or her opinion starting from twelve years of age to eighteen years.

5.14 FURTHER RESEARCH

Further research is vital into getting a comprehensive understanding of the views of social services providers on the use of parenting plans for adolescents of divorced parents.

It is therefore recommended that further research should be carried out:

- To establish the content of training for social services providers as well as the quality of training that professionals receive for assisting divorcing families with the drawing up of a parenting plan
- To gain a deeper understanding on the predominant psychosocial needs of adolescents
- To understand adolescents' response to parental divorce
- To understanding parent-child relationship post-divorce
- To gain a deeper understanding of support of needed by adolescents of divorced parents
- To understanding divorce procedures
- To explore and gain a deeper understanding on custody issues.

- To gain a deeper understanding on the equipment to draw up parenting plans
- To explore social work intervention for adolescents of divorced parents
- To understand the conception and implementation of parenting plan post-divorce
- More research is needed on the conception and implementation of parenting plans post-divorce.

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ANNEXURE A

SEMI-STRUCTURED QUESTIONNAIRE

UNIVERSITY OF STELLENBOSCH

DEPARTMENT OF SOCIAL WORK

The views of social workers on the use of parenting plans for adolescents of divorced parents

Researcher: NA MUNDALAMO

Please note:

- *All the information based on the interview will be regarded as strictly confidential.*
- *The names of participants will not be made known.*

INSTRUCTIONS

- Please answer all the following questions
- Be as honest and open as possible.

1. IDENTIFYING DETAILS

1.1 What is your professional position in your organization? (E.g. social work social work manager or mediator)

.....

.....

1.2 How many years of experience do you have in your current professional position?

1.3 What is the highest academic qualification you have achieved?

Qualification	Mark with "X"
Doctorate in Social work(PhD)	
Masters' degree in Social work	
Bachelor of Social work	
Diploma in Social work	
Other	
If other, specify	

2. CORE BUSINESS

2.1 What is the core business of your non-profit organization or government department?

Core Business	Mark with "X"
Health services	
Welfare services	
Education	
Law enforcement	
Youth work	
Other	

If other, please explain

.....

.....

2.2 How big is your caseload per months?

Size of caseload	Mark with "X"
1-20	
21-40	
41-60	
61-80+	

2.3 How many of these cases are for divorced parents seeking assistance in drawing up a parenting plan for adolescents?

.....

.....

3. TRAINING REGARDING PARENTING PLANS

3.1 Training in family law related to legislation and policies to draw up parenting plans

3.1.1 By which of the following means of education did you receive training in legislation and policies underpinning the drawing of parenting plans?

Mark with "X"		
Undergraduate studies	Postgraduate studies	Other, Specify.....

3.1.2 Describe the content of the training

.....

.....

- 3.1.3 How did the training equip you to work with divorced/divorcing parents of adolescents in enabling them to participate to draw up a parenting plan?

.....
.....

4. NEEDS OF ADOLESCENTS

- 4.1 What would you consider as the most predominant psycho-social needs of adolescents of divorced parents?

.....
.....

- 4.2 How do adolescents usually respond to parental divorce?

.....
.....

5. SUPPORT TO ADOLESCENTS

- 5.1 What type of support do you think adolescents get from their divorced parents during adolescence which is viewed as a “storm and stress” period of development?

.....
.....

6. ATTITUDE AND KNOWLEDGE OF DIVORCE PROCEDURES

- 6.1 What is the mindset and attitude of parents when social work service providers work with them during the implementation of divorce procedures?

.....
.....

- 6.2 Which kind of knowledge do parents usually have regarding the divorce process?

.....
.....

7. PARENT-CHILD RELATIONSHIP

- 7.1 Based on your experience as a social worker, how is parent-adolescent relationships usually post-divorce?

.....
.....

8. SOCIAL WORK INTERVENTION

- 8.1 What kind of social work intervention do you use when working with a families going through a divorce?

.....

.....

9. POLICIES AND LEGISLATION

- 9.1 Bill of Rights

The Constitution of South Africa contains a Bill of Rights to reflect South Africa's commitment to developing a children's rights oriented culture. In what ways is the Bill of Rights relevant for divorced parents and adolescents?

.....

.....

- 9.2 The Children's Act 38 of 2005

- 9.2.1 How do you use the Children's Act 38 of 2005 to ensure that the best interests of children with divorced parents are protected?

.....

.....

- 9.2.2 How do you implement the Children's Act 38 of 2005 to ensure that the best interest of the child?

.....

.....

10. CUSTODY

- 10.1 What are usually parents' motivations for seeking custody?

.....

.....

- 10.2 Explain the custody options in terms of the Children's Act 38 of 2005 you do find are mostly determined before divorced parents arrive at amicable intervention.

.....

.....

11. PARENTING PLANS

11.1 Section 33 of The Children's Act 38 of 2005 makes explicit provision for parenting plans.

How does it guide you to draw up the most beneficial parenting plan as an intervention for divorcing families with adolescents?

.....

.....

11.2 What do you regard as the purpose of parenting plans?

.....

.....

11.3 What are the policy prescriptions regarding a parenting plan you are usually working with?

.....

.....

11.4 What are the two main advantages of parenting plans?

.....

.....

11.5 What are the most two misinterpretations of the parenting plans?

.....

.....

***THANK YOU VERY MUCH FOR YOUR
PARTICIPATION AND COOPERATION!!!***

APPENDIX B

CONSENT TO PARTICIPATE



UNIVERSITEIT • STELLENBOSCH • UNIVERSITY
jou kennisvenoot • your knowledge partner

STELLENBOSCH UNIVERSITY

VIEWS OF SOCIAL WORKERS ON THE USE OF CO-PARENTING FOR ADOLESCENTS WITH DIVORCED PARENTS

You are asked to participate in a research study conducted by Ntodiseni Anastatia Mundalamo, a masters's student from the Social Work Department at the University of Stellenbosch. The results of this study will become part of a research report. You were selected as a possible participant in this study because you are a qualified social worker with more than two years experience working as a mediator, or Counselor/Family advocate.

1. PURPOSE OF THE STUDY

The aim of the study is to develop an in-depth understanding of the views of social workers on the use of co-parenting for adolescents with divorced parents.

2. PROCEDURES

If you volunteer to participate in this study, we would ask you to do the following:

A semi-structured interview will be utilized to gather information confidentially. You need not indicate your name or any particulars on the interview schedule. The schedule will be completed during an interview conducted by the researcher.

3. POTENTIAL RISKS AND DISCOMFORTS

Any uncertainties on any of the aspects of the schedule you may experience during the interview can be discussed and clarified at any time.

4. POTENTIAL BENEFITS TO SUBJECTS AND/OR TO SOCIETY

The results of this study will inform welfare organisations such as social development, health and welfare and Non profit organisations. This information could be used by welfare organisations for further planning in service delivery.

5. PAYMENT FOR PARTICIPATION

No payment in any form will be received for participating in the study.

6. CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission or as required by law.

Confidentiality will be maintained by means of coding where each questionnaire is numbered. All questionnaires will be managed, analysed and processed by the student-researcher and will be kept in a safe place.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study. The researcher may withdraw you from this research if circumstances arise which warrant doing so, e.g. should you influence other participants in the completion of their questionnaires.

8. IDENTIFICATION OF RESEARCHER

If you have any questions or concerns about the research, please feel free to contact: Prof Sulina Green (Supervisor), Department of Social Work, University of Stellenbosch, Tel 021 0808 2071, e-mail sgreen@sun.ac.za.

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this study. If you have questions regarding your rights as a research subject, contact Ms Maléne Fouché [mfouche@sun.ac.za ; 021 8084622] at the Division for Research Development.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE
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The information above was described to me the participant by Ntodiseni Anastatia Mundalamo in English and the participant is in command of this language or it was satisfactorily translated to him / her. The participant was given the opportunity to ask questions and these questions were answered to his / her satisfaction.

I hereby consent voluntarily to participate in this study,

Name of participant

Signature of participant

Date

SIGNATURE OF INVESTIGATOR

I declare that i explained the information given in this document to _____

She/He was encouraged and given ample time to ask me questions. This conversation was conducted in English and no translator was used.

Signature of investigator

Date